

**SUBSTITUTE FOR  
SENATE BILL NO. 30**

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 the title and sections 5f, 5k, and 5o (MCL 28.425f, 28.425k, and 28.425o), the title as amended and section 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

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

## 1 TITLE

2 An act to regulate and license the selling, purchasing,  
3 possessing, and carrying of certain firearms, ~~and~~ gas ejecting  
4 devices, **AND ELECTRO-MUSCULAR DISRUPTION DEVICES**; to prohibit the  
5 buying, selling, or carrying of certain firearms, ~~and~~ gas ejecting  
6 devices, **AND ELECTRO-MUSCULAR DISRUPTION DEVICES** without a license  
7 or other authorization; to provide for the forfeiture of firearms  
8 under certain circumstances; to provide for penalties and remedies;  
9 to provide immunity from civil liability under certain  
10 circumstances; to prescribe the powers and duties of certain state  
11 and local agencies; to prohibit certain conduct against individuals  
12 who apply for or receive a license to carry a concealed pistol; to  
13 make appropriations; to prescribe certain conditions for the  
14 appropriations; and to repeal all acts and parts of acts  
15 inconsistent with this act.

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

20 (2) An individual who is licensed under this act to carry a  
21 concealed pistol and who is carrying a concealed pistol shall show  
22 both of the following to a peace officer upon request by that peace  
23 officer:

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

25 (b) His or her driver license or Michigan personal  
26 identification card.

1           (3) An individual licensed under this act to carry a concealed  
2 pistol and who is carrying a concealed pistol and who is stopped by  
3 a peace officer shall immediately disclose to the peace officer  
4 that he or she is carrying a pistol concealed upon his or her  
5 person or in his or her vehicle. **IF THE INDIVIDUAL IS CARRYING ON**  
6 **HIS OR HER PERSON OR IN HIS OR HER VEHICLE A PORTABLE DEVICE THAT**  
7 **USES ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY PURSUANT TO SECTION**  
8 **224A(2)(B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224A,**  
9 **HE OR SHE ALSO SHALL IMMEDIATELY DISCLOSE THAT FACT TO THE PEACE**  
10 **OFFICER.**

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

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

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

19           (b) For a subsequent offense within 3 years of a prior  
20 offense, by a fine of not more than \$1,000.00 and by the  
21 individual's license to carry a concealed pistol being revoked.

22           (6) If an individual is found responsible for a state civil  
23 infraction under this section, the court shall notify the  
24 department of state police and the concealed weapon licensing board  
25 that issued the license of that determination.

26           (7) A pistol carried in violation of this section is subject  
27 to immediate seizure by a peace officer. If a peace officer seizes

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

14 (a) The individual has his or her driver license or Michigan  
15 personal identification card in his or her possession when the  
16 violation occurs.

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

20 (8) As used in this section, "peace officer" includes a motor  
21 carrier officer appointed under section 6d of 1935 PA 59, MCL  
22 28.6d, and security personnel employed by the state under section  
23 6c of 1935 PA 59, MCL 28.6c.

24 Sec. 5k. (1) Acceptance of a license issued under this act to  
25 carry a concealed pistol constitutes implied consent to submit to a  
26 chemical analysis under this section. This section also applies to  
27 individuals listed in section ~~12a(a) to (f)~~ **12A**.

1           (2) An individual shall not carry a concealed pistol while he  
2 or she is under the influence of alcoholic liquor or a controlled  
3 substance or while having a bodily alcohol content prohibited under  
4 this section. ~~A person~~ **AN INDIVIDUAL LICENSED UNDER THIS ACT TO**  
5 **CARRY A CONCEALED PISTOL WHO, PURSUANT TO SECTION 224A(2) (B) OF THE**  
6 **MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224A, MAY CARRY A**  
7 **PORTABLE DEVICE THAT USES ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY**  
8 **SHALL NOT CARRY THAT PORTABLE DEVICE WHILE UNDER THE INFLUENCE OF**  
9 **ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE OR WHILE HAVING A BODILY**  
10 **ALCOHOL CONTENT PROHIBITED UNDER THIS SECTION. AN INDIVIDUAL** who  
11 violates this section is responsible for a state civil infraction  
12 or guilty of a crime as follows:

13           (a) If the person was under the influence of alcoholic liquor  
14 or a controlled substance or a combination of alcoholic liquor and  
15 a controlled substance, or had a bodily alcohol content of .10 or  
16 more grams per 100 milliliters of blood, per 210 liters of breath,  
17 or per 67 milliliters of urine, the individual is guilty of a  
18 misdemeanor punishable by imprisonment for not more than 93 days or  
19 \$100.00, or both. The court shall order the concealed weapon  
20 licensing board that issued the individual a license to carry a  
21 concealed pistol to permanently revoke the license. The concealed  
22 weapon licensing board shall permanently revoke the license as  
23 ordered by the court.

24           (b) If the person had a bodily alcohol content of .08 or more  
25 but less than .10 grams per 100 milliliters of blood, per 210  
26 liters of breath, or per 67 milliliters of urine, the individual is  
27 guilty of a misdemeanor punishable by imprisonment for not more

1 than 93 days or \$100.00, or both. The court may order the concealed  
 2 weapon licensing board that issued the individual a license to  
 3 carry a concealed pistol to revoke the license for not more than 3  
 4 years. The concealed weapon licensing board shall revoke the  
 5 license as ordered by the court.

6 (c) If the person had a bodily alcohol content of .02 or more  
 7 but less than .08 grams per 100 milliliters of blood, per 210  
 8 liters of breath, or per 67 milliliters of urine, the individual is  
 9 responsible for a state civil infraction and may be fined not more  
 10 than \$100.00. The court may order the concealed weapon licensing  
 11 board that issued the individual the license to revoke the license  
 12 for 1 year. The concealed weapon licensing board shall revoke the  
 13 license as ordered by the court. The court shall notify the  
 14 concealed weapon licensing board that issued the individual a  
 15 license to carry a concealed pistol if an individual is found  
 16 responsible for a subsequent violation of this subdivision.

17 (3) This section does not prohibit an individual licensed  
 18 under this act to carry a concealed pistol who has any bodily  
 19 alcohol content from ~~transporting~~ **DOING ANY OF THE FOLLOWING:**

20 **(A) TRANSPORTING** that pistol in the locked trunk of his or her  
 21 motor vehicle or another motor vehicle in which he or she is a  
 22 passenger or, if the vehicle does not have a trunk, from  
 23 transporting that pistol unloaded in a locked compartment or  
 24 container that is separated from the ammunition for that pistol. ~~or~~

25 **(B) TRANSPORTING THAT PISTOL** on a vessel if the pistol is  
 26 transported unloaded in a locked compartment or container that is  
 27 separated from the ammunition for that pistol.

1 (C) TRANSPORTING A PORTABLE DEVICE USING ELECTRO-MUSCULAR  
2 DISRUPTION TECHNOLOGY IN THE LOCKED TRUNK OF HIS OR HER MOTOR  
3 VEHICLE OR ANOTHER MOTOR VEHICLE IN WHICH HE OR SHE IS A PASSENGER,  
4 OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT  
5 PORTABLE DEVICE IN A LOCKED COMPARTMENT OR CONTAINER.

6 (D) TRANSPORTING A PORTABLE DEVICE USING ELECTRO-MUSCULAR  
7 DISRUPTION TECHNOLOGY ON A VESSEL IF THE PORTABLE DEVICE IS  
8 TRANSPORTED IN A LOCKED COMPARTMENT OR CONTAINER.

9 (4) A peace officer who has probable cause to believe an  
10 individual is carrying a concealed pistol OR A PORTABLE DEVICE  
11 USING ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY in violation of this  
12 section may require the individual to submit to a chemical analysis  
13 of his or her breath, blood, or urine.

14 (5) Before an individual is required to submit to a chemical  
15 analysis under subsection (4), the peace officer shall inform the  
16 individual of all of the following:

17 (a) The individual may refuse to submit to the chemical  
18 analysis, but if he or she chooses to do so, all of the following  
19 apply:

20 (i) The officer may obtain a court order requiring the  
21 individual to submit to a chemical analysis.

22 (ii) The refusal may result in his or her license to carry a  
23 concealed pistol being suspended or revoked.

24 (b) If the individual submits to the chemical analysis, he or  
25 she may obtain a chemical analysis described in subsection (4) from  
26 a person of his or her own choosing.

27 (6) The collection and testing of breath, blood, and urine

1 specimens under this section shall be conducted in the same manner  
2 that breath, blood, and urine specimens are collected and tested  
3 for alcohol- and controlled-substance-related driving violations  
4 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

5 (7) If a person refuses to take a chemical test authorized  
6 under this section, the peace officer shall promptly report the  
7 refusal in writing to the concealed weapon licensing board that  
8 issued the license to the individual to carry a concealed pistol.

9 (8) If a person takes a chemical test authorized under this  
10 section and the test results indicate that the individual had any  
11 bodily alcohol content while carrying a concealed pistol, the peace  
12 officer shall promptly report the violation in writing to the  
13 concealed weapon licensing board that issued the license to the  
14 individual to carry a concealed pistol.

15 (9) As used in this section:

16 (a) "Alcoholic liquor" means that term as defined in section  
17 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
18 436.1105.

19 (b) "Controlled substance" means that term as defined in  
20 section 7104 of the public health code, 1978 PA 368, MCL ~~333.7401~~  
21 **333.7104**.

22 Sec. 50. (1) Subject to subsection ~~(4)~~ **(5)**, an individual  
23 licensed under this act to carry a concealed pistol, or who is  
24 exempt from licensure under section 12a(1)(f), shall not carry a  
25 concealed pistol on the premises of any of the following:

26 (a) A school or school property except that a parent or legal  
27 guardian of a student of the school is not precluded from carrying



1 a concealed pistol while in a vehicle on school property, if he or  
2 she is dropping the student off at the school or picking up the  
3 child from the school. As used in this section, "school" and  
4 "school property" mean those terms as defined in section 237a of  
5 the Michigan penal code, 1931 PA 328, MCL 750.237a.

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

9 (c) A sports arena or stadium.

10 (d) A bar or tavern licensed under the Michigan liquor control  
11 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
12 primary source of income of the business is the sale of alcoholic  
13 liquor by the glass and consumed on the premises. This subdivision  
14 does not apply to an owner or employee of the business. The  
15 Michigan liquor control commission shall develop and make available  
16 to holders of licenses under the Michigan liquor control code of  
17 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
18 stating that "This establishment prohibits patrons from carrying  
19 concealed weapons". The owner or operator of an establishment  
20 licensed under the Michigan liquor control code of 1998, 1998 PA  
21 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
22 sign developed under this subdivision. A record made available by  
23 an establishment licensed under the Michigan liquor control code of  
24 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
25 this subdivision is exempt from disclosure under the freedom of  
26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 (e) Any property or facility owned or operated by a church,

1 synagogue, mosque, temple, or other place of worship, unless the  
2 presiding official or officials of the church, synagogue, mosque,  
3 temple, or other place of worship permit the carrying of concealed  
4 pistol on that property or facility.

5 (f) An entertainment facility with a seating capacity of 2,500  
6 or more individuals that the individual knows or should know has a  
7 seating capacity of 2,500 or more individuals or that has a sign  
8 above each public entrance stating in letters not less than 1-inch  
9 high a seating capacity of 2,500 or more individuals.

10 (g) A hospital.

11 (h) A dormitory or classroom of a community college, college,  
12 or university.

13 **(2) SUBJECT TO SUBSECTION (5), AN INDIVIDUAL WHO IS LICENSED**  
14 **UNDER THIS ACT TO CARRY A CONCEALED PISTOL AND WHO, PURSUANT TO**  
15 **SECTION 224A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224A,**  
16 **CARRIES ON HIS OR HER PERSON OR IN HIS OR HER VEHICLE A PORTABLE**  
17 **DEVICE THAT USES ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY SHALL NOT**  
18 **CARRY THAT PORTABLE DEVICE ON ANY OF THE PREMISES DESCRIBED IN**  
19 **SUBSECTION (1).**

20 (3) ~~(2)~~—An individual licensed under this act to carry a  
21 concealed pistol, or who is exempt from licensure under section  
22 12a(1)(f), shall not carry a concealed pistol in violation of R  
23 432.1212 or a successor rule of the Michigan administrative code  
24 promulgated under the Michigan gaming control and revenue act, 1996  
25 IL 1, MCL 432.201 to 432.226.

26 (4) ~~(3)~~—As used in subsection (1), "premises" does not include  
27 parking areas of the places identified under subsection (1).

1           (5) ~~(4) Subsection (1) does~~ **SUBSECTIONS (1) AND (2) DO** not  
2 apply to any of the following:

3           (a) An individual licensed under this act who is a retired  
4 police officer or retired law enforcement officer. The concealed  
5 weapon licensing board may require a letter from the law  
6 enforcement agency stating that the retired police officer or law  
7 enforcement officer retired in good standing.

8           (b) An individual who is licensed under this act and who is  
9 employed or contracted by an entity described under subsection (1)  
10 to provide security services and is required by his or her employer  
11 or the terms of a contract to carry a concealed firearm on the  
12 premises of the employing or contracting entity.

13           (c) An individual who is licensed as a private investigator or  
14 private detective under the professional investigator licensure  
15 act, 1965 PA 285, MCL 338.821 to 338.851.

16           (d) An individual who is licensed under this act and who is a  
17 corrections officer of a county sheriff's department.

18           (e) An individual who is licensed under this act and who is a  
19 motor carrier officer or capitol security officer of the department  
20 of state police.

21           (f) An individual who is licensed under this act and who is a  
22 member of a sheriff's posse.

23           (g) An individual who is licensed under this act and who is an  
24 auxiliary officer or reserve officer of a police or sheriff's  
25 department.

26           (h) An individual who is licensed under this act and who is a  
27 parole or probation officer of the department of corrections.

1 (i) A state court judge or state court retired judge who is  
2 licensed under this act. The concealed weapon licensing board may  
3 require a state court retired judge to obtain and carry a letter  
4 from the judicial tenure commission stating that the state court  
5 retired judge is in good standing as authorized under section 30 of  
6 article VI of the state constitution of 1963, and rules promulgated  
7 under that section, in order to qualify under this subdivision.

8 (J) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A  
9 COURT OFFICER.

10 (6) ~~(5)~~—An individual who violates this section is responsible  
11 for a state civil infraction or guilty of a crime as follows:

12 (a) Except as provided in subdivisions (b) and (c), the  
13 individual is responsible for a state civil infraction and may be  
14 fined not more than \$500.00. The court shall order the individual's  
15 license to carry a concealed pistol suspended for 6 months.

16 (b) For a second violation, the individual is guilty of a  
17 misdemeanor punishable by a fine of not more than \$1,000.00. The  
18 court shall order the individual's license to carry a concealed  
19 pistol revoked.

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

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 29 of the 96th Legislature is enacted into  
2 law.