

HOUSE BILL NO. 4026

January 10, 2019, Introduced by Reps. LaFave, Steven Johnson and Markkanen 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



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and parts of acts inconsistent with this act,"
 by amending sections 5a, 5b, 5c, 5f, 5o, 12, 12a, and 15 (MCL
 28.425a, 28.425b, 28.425c, 28.425f, 28.425o, 28.432, 28.432a, and
 28.435), sections 5a, 5b, and 5o as amended by 2017 PA 95, sections
 5c and 5f as amended by 2015 PA 3, section 12 as amended by 2010 PA
 209, section 12a as amended by 2016 PA 301, and section 15 as added
 by 2000 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) A license to carry a concealed pistol issued by a
 2 concealed weapon licensing board before December 1, 2015 is valid
 3 and remains in effect until the expiration of that license or as
 4 otherwise provided by law.

5 (2) The county clerk is responsible for all of the following:

6 (a) Storing and maintaining all records related to issuing a
 7 license or notice of statutory disqualification in that county.

8 (b) Issuing licenses to carry a concealed pistol.

9 (c) Issuing notices of statutory disqualification, notices of
 10 suspensions, and notices of revocations.

11 (3) The department of state police shall verify under section
 12 5b(6) whether an applicant for a license to carry a concealed
 13 pistol is eligible to receive a license to carry a concealed
 14 pistol.

15 (4) A county clerk shall issue an emergency license to carry a
 16 concealed pistol to an individual if the individual has obtained a
 17 personal protection order issued under section 2950 or 2950a of the
 18 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
 19 600.2950a, or to that individual if a county sheriff determines
 20 that there is clear and convincing evidence to believe the safety
 21 of the individual or the safety of a member of the individual's



1 family or household is endangered by the individual's inability to
2 immediately obtain a license to carry a concealed pistol. Clear and
3 convincing evidence includes, but is not limited to, an application
4 for a personal protection order, police reports and other law
5 enforcement records, or written, audio, or visual evidence of
6 threats to the individual or member of the individual's family or
7 household. A county clerk shall only issue an emergency license to
8 carry a concealed pistol to an individual who has obtained a
9 personal protection order if the individual is eligible under
10 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
11 a license based on a criminal record check through the law
12 enforcement information network conducted by the department of
13 state police. The county sheriff shall only issue a determination
14 under this subsection to an individual who is eligible under
15 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
16 a license based on a criminal record check through the law
17 enforcement information network and only after the county sheriff
18 has taken the individual's fingerprints in compliance with section
19 5b(9). A county sheriff shall notify the county clerk if the county
20 sheriff determines that an individual is not eligible under section
21 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a
22 license. An emergency license must be on a form provided by the
23 department of state police. An individual who applies for an
24 emergency license shall, within 10 business days after applying for
25 an emergency license, complete a pistol training course under
26 section 5j and apply for a license under section 5b. If an
27 individual who applies for an emergency license does not complete a
28 pistol training course under section 5j and apply for a license
29 under section 5b within 10 business days after applying for an



1 emergency license, that individual's emergency license is no longer
2 valid. A county sheriff who makes a determination under this
3 section, performs a criminal record check, and takes the
4 applicant's fingerprints may charge a fee not to exceed \$15.00. A
5 county clerk may charge a fee not to exceed \$10.00 for printing an
6 emergency license. A county clerk shall deposit a fee collected by
7 the county clerk under this subsection in the concealed pistol
8 licensing fund of that county created in section 5x. Except as
9 otherwise provided in this subsection, an emergency license is
10 valid for 45 days or until the county clerk issues a notice of
11 statutory disqualification, whichever occurs first. Except as
12 otherwise provided in this act, an emergency license is, for all
13 other purposes of this act, a license to carry a concealed pistol.
14 ~~The county clerk shall include an indication on the license if an~~
15 ~~individual is exempt from the prohibitions against carrying a~~
16 ~~concealed pistol on premises described in section 5o if the~~
17 ~~applicant provides acceptable proof that he or she qualifies for~~
18 ~~that exemption.~~ An individual shall not obtain more than 1
19 emergency license in any 5-year period. If a county clerk issues a
20 notice of statutory disqualification to an applicant who received
21 an emergency license under this section, the applicant shall
22 immediately surrender the emergency license to the county clerk by
23 mail or in person if that emergency license has not expired. An
24 individual who fails to surrender a license as required by this
25 subsection after he or she is notified of a statutory
26 disqualification is guilty of a misdemeanor punishable by
27 imprisonment for not more than 93 days or a fine of not more than
28 \$500.00, or both.

29 (5) The legislative service bureau shall compile the firearms



1 laws of this state, including laws that apply to carrying a
2 concealed pistol, and shall provide copies of the compilation in an
3 electronic format to the department of state police. The department
4 of state police shall provide a copy of the compiled laws to each
5 county clerk in this state. The department of state police shall
6 also provide forms to appeal any notice of statutory
7 disqualification, or suspension or revocation of a license under
8 this act. The department of state police shall distribute copies of
9 the compilation and forms required under this subsection in an
10 electronic format to each county clerk. The county clerk shall
11 distribute a copy of the compilation and forms at no charge to each
12 individual who applies for a license to carry a concealed pistol at
13 the time the application is submitted. The county clerk may
14 distribute copies of the compilation and forms required under this
15 subsection in an electronic format. The county clerk shall require
16 the applicant to sign a written statement acknowledging that he or
17 she has received a copy of the compilation and forms provided under
18 this subsection. An individual is not eligible to receive a license
19 to carry a concealed pistol until he or she has signed the
20 statement.

21 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
22 an individual shall apply to the county clerk in the county in
23 which the individual resides. The applicant shall file the
24 application with the county clerk in the county in which the
25 applicant resides during the county clerk's normal business hours.
26 The application must be on a form provided by the director of the
27 department of state police and allow the applicant to designate
28 whether the applicant seeks an emergency license. The applicant
29 shall sign the application under oath. The county clerk or his or



1 her representative shall administer the oath. An application under
2 this subsection is not considered complete until an applicant
3 submits all of the required information and fees and has
4 fingerprints taken under subsection (9). An application under this
5 subsection is considered withdrawn if an applicant does not have
6 fingerprints taken under subsection (9) within 45 days of the date
7 an application is filed under this subsection. A completed
8 application and all receipts issued under this section expire 1
9 year from the date of application. The county clerk shall issue the
10 applicant a receipt for his or her application at the time the
11 application is submitted containing the name of the applicant, the
12 applicant's state-issued driver license or personal identification
13 card number, the date and time the receipt is issued, the amount
14 paid, the name of the county in which the receipt is issued, an
15 impression of the county seal, and the statement, "This receipt was
16 issued for the purpose of applying for a concealed pistol license
17 and for obtaining fingerprints related to that application. This
18 receipt does not authorize an individual to carry a concealed
19 pistol in this state.". The application must contain all of the
20 following:

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

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

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

29 (d) A statement by the applicant regarding whether he or she



1 has a history of mental illness that would disqualify him or her
2 under subsection (7)(j) to (l) from receiving a license to carry a
3 concealed pistol.

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

7 (i) Any felony.

8 (ii) A misdemeanor listed under subsection (7)(h) if the
9 applicant was convicted of that misdemeanor in the 8 years
10 immediately preceding the date of the application, or a misdemeanor
11 listed under subsection (7)(i) if the applicant was convicted of
12 that misdemeanor in the 3 years immediately preceding the date of
13 the application.

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

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

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

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



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

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

10 (5) Each applicant shall pay a nonrefundable application and
11 licensing fee of \$100.00 by any method of payment accepted by that
12 county for payments of other fees and penalties. Except as provided
13 in subsection (9), no other charge, fee, cost, or assessment,
14 including any local charge, fee, cost, or assessment, is required
15 of the applicant except as specifically authorized in this act. The
16 applicant shall pay the application and licensing fee to the
17 county. The county treasurer shall deposit \$26.00 of each
18 application and licensing fee collected under this section in the
19 concealed pistol licensing fund of that county created in section
20 5x. The county treasurer shall forward the balance remaining to the
21 state treasurer. The state treasurer shall deposit the balance of
22 the fee in the general fund to the credit of the department of
23 state police. The department of state police shall use the money
24 received under this act to process the fingerprints and to
25 reimburse the Federal Bureau of Investigation for the costs
26 associated with processing fingerprints submitted under this act.
27 The balance of the money received under this act must be credited
28 to the department of state police.

29 (6) The department of state police shall verify the



1 requirements of subsection (7) (d), (e), (f), (h), (i), (j), (k),
2 and (m) through the law enforcement information network and the
3 national instant criminal background check system and shall report
4 to the county clerk all statutory disqualifications, if any, under
5 this act that apply to an applicant.

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

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

11 (b) The applicant is a citizen of the United States or is an
12 alien lawfully admitted into the United States, is a legal resident
13 of this state, and has resided in this state for not less than the
14 6 months immediately preceding the date of application. The county
15 clerk shall waive the 6-month residency requirement for an
16 emergency license under section 5a(4) if the applicant is a
17 petitioner for a personal protection order issued under section
18 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
19 MCL 600.2950 and 600.2950a, or if the county sheriff determines
20 that there is clear and convincing evidence to believe that the
21 safety of the applicant or the safety of a member of the
22 applicant's family or household is endangered by the applicant's
23 inability to immediately obtain a license to carry a concealed
24 pistol. If the applicant holds a valid concealed pistol license
25 issued by another state at the time the applicant's residency in
26 this state is established, the county clerk shall waive the 6-month
27 residency requirement and the applicant may apply for a concealed
28 pistol license at the time the applicant's residency in this state
29 is established. For the purposes of this section, an individual is



1 considered a legal resident of this state if any of the following
2 apply:

3 (i) The individual has a valid, lawfully obtained driver
4 license issued under the Michigan vehicle code, 1949 PA 300, MCL
5 257.1 to 257.923, or official state personal identification card
6 issued under 1972 PA 222, MCL 28.291 to 28.300.

7 (ii) The individual is lawfully registered to vote in this
8 state.

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

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

15 (c) The applicant has knowledge and has had training in the
16 safe use and handling of a pistol by the successful completion of a
17 pistol safety training course or class that meets the requirements
18 of section 5j.

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

22 (i) Section 464a of the mental health code, 1974 PA 258, MCL
23 330.1464a.

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

26 (iii) Sections 2950 and 2950a of the revised judicature act of
27 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

28 (iv) Section 6b of chapter V of the code of criminal procedure,
29 1927 PA 175, MCL 765.6b, if the order has a condition imposed under



1 section 6b(3) of chapter V of the code of criminal procedure, 1927
2 PA 175, MCL 765.6b.

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

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

10 (f) Based solely on the report received from the department of
11 state police under subsection (6), the applicant has never been
12 convicted of a felony in this state or elsewhere, and a felony
13 charge against the applicant is not pending in this state or
14 elsewhere at the time he or she applies for a license described in
15 this section.

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

18 (h) Based solely on the report received from the department of
19 state police under subsection (6), the applicant has not been
20 convicted of a misdemeanor violation of any of the following in the
21 8 years immediately preceding the date of application and a charge
22 for a misdemeanor violation of any of the following is not pending
23 against the applicant in this state or elsewhere at the time he or
24 she applies for a license described in this section:

25 (i) Section 617a (failing to stop when involved in a personal
26 injury accident), section 625 as punishable under subsection (9) (b)
27 of that section (operating while intoxicated, second offense),
28 section 625m as punishable under subsection (4) of that section
29 (operating a commercial vehicle with alcohol content, second



1 offense), section 626 (reckless driving), or a violation of section
2 904(1) (operating while license suspended or revoked, second or
3 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
4 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

12 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
13 290.650 (hindering, obstructing, assaulting, or committing bodily
14 injury upon director or authorized representative).

15 (v) Section 80176 as punishable under section 80177(1)(b)
16 (operating vessel under the influence of intoxicating liquor or a
17 controlled substance, second offense), section 81134 as punishable
18 under subsection (8)(b) of that section (operating ORV under the
19 influence of intoxicating liquor or a controlled substance, second
20 or subsequent offense), or section 82127 as punishable under
21 section 82128(1)(b) (operating snowmobile under the influence of
22 intoxicating liquor or a controlled substance, second offense) of
23 the natural resources and environmental protection act, 1994 PA
24 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

25 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
26 333.7403 (possession of controlled substance, controlled substance
27 analogue, or prescription form).

28 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,
29 MCL 462.353, punishable under subsection (4) of that section



1 (operating locomotive under the influence of intoxicating liquor or
2 a controlled substance, or while visibly impaired, second offense).

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

5 (ix) Section 81 (assault or domestic assault), section 81a(1)
6 or (2) (aggravated assault or aggravated domestic assault), section
7 115 (breaking and entering or entering without breaking), section
8 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
9 abuse), section 157b(3)(b) (solicitation to commit a felony),
10 section 215 (impersonating peace officer or medical examiner),
11 section 223 (illegal sale of a firearm or ammunition), section 224d
12 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
13 ~~or possession of a switchblade)~~, section 227c (improper
14 transportation of a loaded firearm), section 229 (accepting a
15 pistol in pawn), section 232a (improperly obtaining a pistol,
16 making a false statement on an application to purchase a pistol, or
17 using false identification to purchase a pistol), section 233
18 (intentionally aiming a firearm without malice), section 234
19 (intentionally discharging a firearm aimed without malice), section
20 234d (possessing a firearm on prohibited premises), section 234e
21 (brandishing a firearm in public), section 234f (possession of a
22 firearm by an individual less than 18 years of age), section 235
23 (intentionally discharging a firearm aimed without malice causing
24 injury), section 235a (parent of a minor who possessed a firearm in
25 a weapon free school zone), section 236 (setting a spring gun or
26 other device), section 237 (possessing a firearm while under the
27 influence of intoxicating liquor or a controlled substance),
28 section 237a (weapon free school zone violation), section 335a
29 (indecent exposure), section 411h (stalking), or section 520e



1 (fourth degree criminal sexual conduct) of the Michigan penal code,
 2 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 3 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,
 4 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
 5 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 6 750.520e.

7 (x) Former section ~~228~~**226a** of the Michigan penal code, 1931
 8 PA 328.

9 (xi) Section 1 (reckless, careless, or negligent use of a
 10 firearm resulting in injury or death), section 2 (careless,
 11 reckless, or negligent use of a firearm resulting in property
 12 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 13 45, MCL 752.861, 752.862, and 752.863a.

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

18 (i) Based solely on the report received from the department of
 19 state police under subsection (6), the applicant has not been
 20 convicted of a misdemeanor violation of any of the following in the
 21 3 years immediately preceding the date of application unless the
 22 misdemeanor violation is listed under subdivision (h) and a charge
 23 for a misdemeanor violation of any of the following is not pending
 24 against the applicant in this state or elsewhere at the time he or
 25 she applies for a license described in this section:

26 (i) Section 625 (operating under the influence), section 625a
 27 (refusal of commercial vehicle operator to submit to a chemical
 28 test), section 625k (ignition interlock device reporting
 29 violation), section 625l (circumventing an ignition interlock



1 device), or section 625m punishable under subsection (3) of that
 2 section (operating a commercial vehicle with alcohol content) of
 3 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
 4 257.625k, 257.625l, and 257.625m.

5 (ii) Section 185 of the aeronautics code of the state of
 6 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
 7 influence).

8 (iii) Section 81134 (operating ORV under the influence or
 9 operating ORV while visibly impaired), or section 82127 (operating
 10 a snowmobile under the influence) of the natural resources and
 11 environmental protection act, 1994 PA 451, MCL 324.81134 and
 12 324.82127.

13 (iv) Part 74 of the public health code, 1978 PA 368, MCL
 14 333.7401 to 333.7461 (controlled substance violation).

15 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
 16 462.353, punishable under subsection (3) of that section (operating
 17 locomotive under the influence).

18 (vi) Section 167 (disorderly person), section 174
 19 (embezzlement), section 218 (false pretenses with intent to
 20 defraud), section 356 (larceny), section 356d (second degree retail
 21 fraud), section 359 (larceny from a vacant building or structure),
 22 section 362 (larceny by conversion), section 362a (larceny -
 23 defrauding lessor), section 377a (malicious destruction of
 24 property), section 380 (malicious destruction of real property),
 25 section 535 (receiving or concealing stolen property), or section
 26 540e (malicious use of telecommunications service or device) of the
 27 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
 28 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
 29 750.535, and 750.540e.



1 (vii) A violation of a law of the United States, another state,
2 or a local unit of government of this state or another state
3 substantially corresponding to a violation described in
4 subparagraphs (i) to (vi).

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

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

14 (l) The applicant has filed a statement under subsection (1)(d)
15 that the applicant does not have a diagnosis of mental illness that
16 includes an assessment that the individual presents a danger to
17 himself or herself or to another at the time the application is
18 made, regardless of whether he or she is receiving treatment for
19 that illness.

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

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

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
28 firearm in this section the department of state police shall
29 immediately enter the order or conviction into the law enforcement



1 information network. For purposes of this act, information of the
2 court order or conviction must not be removed from the law
3 enforcement information network, but may be moved to a separate
4 file intended for the use of the department of state police, the
5 courts, and other government entities as necessary and exclusively
6 to determine eligibility to be licensed under this act.

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



1 clerk, department of state police, county sheriff, local police
2 agency, or other entity provides fingerprinting capability for the
3 purposes of this act. The entity providing fingerprinting services
4 shall issue the individual a receipt at the time his or her
5 fingerprints are taken. The county clerk, department of state
6 police, county sheriff, local police agency, or other entity shall
7 not provide a receipt under this subsection unless the individual
8 requesting the fingerprints provides an application receipt
9 received under subsection (1). A receipt under this subsection must
10 contain all of the following:

- 11 (a) The name of the individual.
- 12 (b) The date and time the receipt is issued.
- 13 (c) The amount paid.
- 14 (d) The name of the entity providing the fingerprint services.
- 15 (e) The individual's state-issued driver license or personal
16 identification card number.

17 (f) The statement "This receipt was issued for the purpose of
18 applying for a concealed pistol license. As provided in section 5b
19 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
20 disqualification is not issued within 45 days after the date this
21 receipt was issued, this receipt shall serve as a concealed pistol
22 license for the individual named in the receipt when carried with
23 an official state-issued driver license or personal identification
24 card. The receipt is valid as a license until a license or notice
25 of statutory disqualification is issued by the county clerk. This
26 receipt does not exempt the individual named in the receipt from
27 complying with all applicable laws for the purchase of firearms."

28 (10) The fingerprints must be taken, under subsection (9), in
29 a manner prescribed by the department of state police. The county



1 clerk, county sheriff, local police agency, or other entity shall
2 immediately forward the fingerprints taken by that entity to the
3 department of state police for comparison with fingerprints already
4 on file with the department of state police. The department of
5 state police shall immediately forward the fingerprints to the
6 Federal Bureau of Investigation. Within 5 business days after
7 completing the verification under subsection (6), the department
8 shall send the county clerk a list of an individual's statutory
9 disqualifications under this act. Except as provided in section
10 5a(4), the county clerk shall not issue a concealed pistol license
11 until he or she receives the report of statutory disqualifications
12 prescribed in this subsection. If an individual's fingerprints are
13 not classifiable, the department of state police shall, at no
14 charge, take the individual's fingerprints again or provide for the
15 comparisons under this subsection to be conducted through
16 alternative means. The county clerk shall not issue a notice of
17 statutory disqualification because an individual's fingerprints are
18 not classifiable by the Federal Bureau of Investigation.

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

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

26 (13) Subject to subsection (10), the department of state
27 police shall complete the verification required under subsection
28 (6) and the county clerk shall issue a license or a notice of
29 statutory disqualification within 45 days after the date the



1 individual has classifiable fingerprints taken under subsection
2 (9). The county clerk shall include an indication on the license if
3 an individual is exempt from the prohibitions against carrying a
4 concealed pistol on premises described in section 50 if the
5 applicant provides acceptable proof that he or she qualifies for
6 that exemption. If the county clerk receives notice from a county
7 sheriff or chief law enforcement officer that a licensee is no
8 longer a member of a sheriff's posse, an auxiliary officer, or a
9 reserve officer, the county clerk shall notify the licensee that he
10 or she shall surrender the concealed pistol license indicating that
11 the individual is exempt from the prohibitions against carrying a
12 concealed pistol on premises described in section 50. The licensee
13 shall, within 30 days after receiving notice from the county clerk,
14 surrender the license indicating that the individual is exempt from
15 the prohibitions against carrying a concealed pistol on premises
16 described in section 50 and obtain a replacement license after
17 paying the fee required under subsection (15). If the county clerk
18 issues a notice of statutory disqualification, the county clerk
19 shall within 5 business days do all of the following:

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

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

24 (ii) The source of the record for each statutory
25 disqualification identified.

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

28 (b) Inform the individual in writing of his or her right to
29 appeal the denial or notice of statutory disqualification to the



1 circuit court as provided in section 5d.

2 (c) Inform the individual that he or she should contact the
3 source of the record for any statutory disqualification to correct
4 any errors in the record resulting in the statutory
5 disqualification.

6 (14) If a license or notice of statutory disqualification is
7 not issued under subsection (13) within 45 days after the date the
8 individual has classifiable fingerprints taken under subsection
9 (9), the receipt issued under subsection (9) serves as a concealed
10 pistol license for purposes of this act when carried with a state-
11 issued driver license or personal identification card and is valid
12 until a license or notice of statutory disqualification is issued
13 by the county clerk.

14 (15) If an individual licensed under this act to carry a
15 concealed pistol moves to a different county within this state, his
16 or her license remains valid until it expires or is otherwise
17 suspended or revoked under this act. An individual may notify a
18 county clerk that he or she has moved to a different address within
19 this state for the purpose of receiving the notice under section
20 5l(1). A license to carry a concealed pistol that is lost, stolen,
21 defaced, or replaced for any other reason may be replaced by the
22 issuing county clerk for a replacement fee of \$10.00. A county
23 clerk shall deposit a replacement fee under this subsection in the
24 concealed pistol licensing fund of that county created in section
25 5x.

26 (16) If a license issued under this act is suspended or
27 revoked, the license is forfeited and the individual shall return
28 the license to the county clerk forthwith by mail or in person. The
29 county clerk shall retain a suspended or revoked license as an



1 official record 1 year after the expiration of the license, unless
2 the license is reinstated or a new license is issued. The county
3 clerk shall notify the department of state police if a license is
4 suspended or revoked. The department of state police shall enter
5 that suspension or revocation into the law enforcement information
6 network. An individual who fails to return a license as required
7 under this subsection after he or she was notified that his or her
8 license was suspended or revoked is guilty of a misdemeanor
9 punishable by imprisonment for not more than 93 days or a fine of
10 not more than \$500.00, or both.

11 (17) An applicant or an individual licensed under this act to
12 carry a concealed pistol may be furnished a copy of his or her
13 application under this section upon request and the payment of a
14 reasonable fee not to exceed \$1.00. The county clerk shall deposit
15 any fee collected under this subsection in the concealed pistol
16 licensing fund of that county created in section 5x.

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

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



1 (20) A county clerk, county sheriff, county prosecuting
2 attorney, police department, or the department of state police is
3 not liable for civil damages as a result of issuing a license under
4 this act to an individual who later commits a crime or a negligent
5 act.

6 (21) An individual licensed under this act to carry a
7 concealed pistol may voluntarily surrender that license without
8 explanation. A county clerk shall retain a surrendered license as
9 an official record for 1 year after the license is surrendered. If
10 an individual voluntarily surrenders a license under this
11 subsection, the county clerk shall notify the department of state
12 police. The department of state police shall enter into the law
13 enforcement information network that the license was voluntarily
14 surrendered and the date the license was voluntarily surrendered.

15 (22) As used in this section:

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

17 ~~(i) For a retired police officer or retired law enforcement~~
18 ~~officer, the officer's retired identification or a letter from a~~
19 ~~law enforcement agency stating that the retired police officer or~~
20 ~~law enforcement officer retired in good standing.~~

21 ~~(ii) For an individual who is employed or contracted by an~~
22 ~~entity described under section 50(1) to provide security services,~~
23 ~~a letter from that entity stating that the employee is required by~~
24 ~~his or her employer or the terms of a contract to carry a concealed~~
25 ~~firearm on the premises of the employing or contracting entity and~~
26 ~~his or her employee identification.~~

27 ~~(iii) For an individual who is licensed as a private~~
28 ~~investigator or private detective under the professional~~
29 ~~investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,~~



1 ~~his or her license.~~

2 ~~(iv) For an individual who is a corrections officer of a county~~
 3 ~~sheriff's department, his or her employee identification and a~~
 4 ~~letter stating that the individual has received county sheriff~~
 5 ~~approved weapons training.~~

6 ~~(v) For an individual who is a retired corrections officer of~~
 7 ~~a county sheriff's department, a letter from the county sheriff's~~
 8 ~~office stating that the retired corrections officer retired in good~~
 9 ~~standing and that the individual has received county sheriff~~
 10 ~~approved weapons training.~~

11 ~~(vi) For an individual who is a motor carrier officer or~~
 12 ~~capitol security officer of the department of state police, his or~~
 13 ~~her employee identification.~~

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

16 ~~(viii) For an individual who is an auxiliary officer or reserve~~
 17 ~~officer of a police or sheriff's department, his or her employee~~
 18 ~~identification.~~

19 ~~(ix) For an individual who is a parole, probation, or~~
 20 ~~corrections officer, or absconder recovery unit member, of the~~
 21 ~~department of corrections, his or her employee identification and~~
 22 ~~proof that the individual obtained a Michigan department of~~
 23 ~~corrections weapons permit.~~

24 ~~(x) For an individual who is a retired parole, probation, or~~
 25 ~~corrections officer, or retired absconder recovery unit member, of~~
 26 ~~the department of corrections, a letter from the department of~~
 27 ~~corrections stating that the retired parole, probation, or~~
 28 ~~corrections officer, or retired absconder recovery unit member,~~
 29 ~~retired in good standing and proof that the individual obtained a~~



1 ~~Michigan department of corrections weapons permit.~~

2 ~~(xi) For a state court judge or state court retired judge, a~~
 3 ~~letter from the judicial tenure commission stating that the state~~
 4 ~~court judge or state court retired judge is in good standing.~~

5 ~~(xii) For an individual who is a court officer, his or her~~
 6 ~~employee identification.~~

7 ~~(xiii) For a retired federal law enforcement officer, the~~
 8 ~~identification required under the law enforcement officers safety~~
 9 ~~act or a letter from a law enforcement agency stating that the~~
 10 ~~retired federal law enforcement officer retired in good standing.~~

11 ~~(xiv) For an individual who is a peace officer, his or her~~
 12 ~~employee identification.~~

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

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

26 **(c)** ~~(d)~~ "Mental illness" means a substantial disorder of
 27 thought or mood that significantly impairs judgment, behavior,
 28 capacity to recognize reality, or ability to cope with the ordinary
 29 demands of life, and includes, but is not limited to, clinical



1 depression.

2 (d) ~~(e)~~ "Misdemeanor" means a violation of a penal law of this
3 state or violation of a local ordinance substantially corresponding
4 to a violation of a penal law of this state that is not a felony or
5 a violation of an order, rule, or regulation of a state agency that
6 is punishable by imprisonment or a fine that is not a civil fine,
7 or both.

8 (e) ~~(f)~~ "Treatment" means care or any therapeutic service,
9 including, but not limited to, the administration of a drug, and
10 any other service for the treatment of a mental illness.

11 Sec. 5c. (1) A license to carry a concealed pistol ~~shall~~**must**
12 be in a form, with the same dimensions as a Michigan operator
13 license, prescribed by the department of state police, ~~Beginning~~
14 ~~December 1, 2015, the license shall~~**and** be constructed of plastic
15 laminated paper or hard plastic. No additional fee shall be charged
16 for the license unless otherwise prescribed in this act. A **county**
17 **clerk may charge a** fee not to exceed \$10.00 ~~may be charged~~ for an
18 optional hard plastic license only if the county clerk also
19 provides the option of obtaining a plastic laminated paper license
20 at no charge. A county clerk shall deposit a fee collected under
21 this subsection in the concealed pistol licensing fund of that
22 county created in section 5x. The license ~~shall~~**must** contain all of
23 the following:

- 24 (a) The licensee's full name and date of birth.
25 (b) A photograph and a physical description of the licensee.
26 (c) A statement of the effective dates of the license.
27 (d) An indication of exceptions authorized by this act
28 applicable to the licensee.
29 (e) The licensee's state-issued driver license or personal



1 identification card number.

2 ~~(f) The premises on which carrying a concealed pistol is~~
3 ~~prohibited under section 5o.~~

4 (f) ~~(g)~~ The peace officer disclosure required under section
5 5f(3).

6 (g) ~~(h)~~ An indication whether the license is a duplicate or an
7 emergency license.

8 (h) ~~(i)~~ If the license is an emergency license, an indication
9 that the emergency license does not exempt the individual from
10 complying with all applicable laws for the purchase of firearms.

11 (2) The department of state police or a county clerk shall not
12 require a licensee's signature to appear on a license to carry a
13 concealed pistol.

14 (3) ~~Subject to section 5o and except~~ **Except** as otherwise
15 provided by law, a license to carry a concealed pistol issued by
16 the county clerk authorizes the licensee to do all of the
17 following:

18 (a) Carry a pistol concealed on or about his or her person
19 ~~anywhere in this state.~~ **on the premises listed in section 5o.**

20 (b) Carry a pistol in a vehicle, whether concealed or not
21 concealed, anywhere in this state.

22 (4) The secretary of state shall make a digitized photograph
23 taken of the applicant for a driver license or personal
24 identification card available to the department for use under this
25 act. The department shall provide the photograph of the applicant
26 received from the secretary of state to the county clerk who shall
27 use the photograph on the individual's license unless the applicant
28 does not have a digitized photograph on file with the secretary of
29 state. If an applicant does not have a digitized photograph on file



1 with the secretary of state, the applicant shall provide a
2 passport-quality photograph of the applicant as provided under
3 section 5b(1).

4 Sec. 5f. (1) An individual who is licensed to carry a
5 concealed pistol shall have his or her license to carry that pistol
6 and his or her state-issued driver license or personal
7 identification card in his or her possession at all times he or she
8 is carrying a concealed pistol or a portable device that uses
9 electro-muscular disruption technology **on the premises listed in**
10 **section 5o.**

11 (2) An individual who is licensed to carry a concealed pistol
12 and who is carrying a concealed pistol or a portable device that
13 uses electro-muscular disruption technology **on the premises listed**
14 **in section 5o** shall show both of the following to a peace officer
15 upon request by that peace officer:

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

17 (b) His or her state-issued driver license or personal
18 identification card.

19 (3) An individual licensed under this act to carry a concealed
20 pistol and who is carrying a concealed pistol or a portable device
21 that uses electro-muscular disruption technology and who is stopped
22 by a peace officer shall immediately disclose to the peace officer
23 that he or she is carrying a pistol or a portable device that uses
24 electro-muscular disruption technology concealed upon his or her
25 person or in his or her vehicle.

26 (4) An individual who violates subsection (1) or (2) is
27 responsible for a state civil infraction and shall be fined
28 \$100.00.

29 (5) An individual who violates subsection (3) is responsible



1 for a state civil infraction and shall be fined as follows:

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

5 (b) For a subsequent offense within 3 years of a prior
6 offense, by a fine of \$1,000.00 and by the individual's license to
7 carry a concealed pistol being revoked.

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

18 (7) A pistol or portable device that uses electro-muscular
19 disruption technology carried in violation of this section is
20 subject to immediate seizure by a peace officer. If a peace officer
21 seizes a pistol or portable device that uses electro-muscular
22 disruption technology under this subsection, the individual has 45
23 days in which to display his or her license or documentation to an
24 authorized employee of the law enforcement entity that employs the
25 peace officer. If the individual displays his or her license or
26 documentation to an authorized employee of the law enforcement
27 entity that employs the peace officer within the 45-day period, the
28 authorized employee of that law enforcement entity shall return the
29 pistol or portable device that uses electro-muscular disruption



1 technology to the individual unless the individual is prohibited by
 2 law from possessing a firearm or portable device that uses electro-
 3 muscular disruption technology. If the individual does not display
 4 his or her license or documentation within the 45-day period, the
 5 pistol or portable device that uses electro-muscular disruption
 6 technology is subject to forfeiture as provided in section 5g. A
 7 pistol or portable device that uses electro-muscular disruption
 8 technology is not subject to immediate seizure under this
 9 subsection if both of the following circumstances exist:

10 (a) The individual has his or her state-issued driver license
 11 or personal identification card in his or her possession when the
 12 violation occurs.

13 (b) The peace officer verifies through the law enforcement
 14 information network that the individual is licensed to carry a
 15 concealed pistol.

16 (8) As used in this section, "peace officer" includes a motor
 17 carrier officer appointed under section 6d of 1935 PA 59, MCL
 18 28.6d, and security personnel employed by the state under section
 19 6c of 1935 PA 59, MCL 28.6c.

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

24 (a) A school or school property except that a parent or legal
 25 guardian of a student of the school is not precluded from carrying
 26 a concealed pistol while in a vehicle on school property, if he or
 27 she is dropping the student off at the school or picking up the
 28 student from the school. As used in this section, "school" and
 29 "school property" mean those terms as defined in section 237a of



1 the Michigan penal code, 1931 PA 328, MCL 750.237a.

2 (b) A public or private child care center or day care center,
3 public or private child caring institution, or public or private
4 child placing agency.

5 (c) A sports arena or stadium.

6 (d) A bar or tavern licensed under the Michigan liquor control
7 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
8 primary source of income of the business is the sale of alcoholic
9 liquor by the glass and consumed on the premises. This subdivision
10 does not apply to an owner or employee of the business. The
11 Michigan liquor control commission shall develop and make available
12 to holders of licenses under the Michigan liquor control code of
13 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
14 stating that "This establishment prohibits patrons from carrying
15 concealed weapons". The owner or operator of an establishment
16 licensed under the Michigan liquor control code of 1998, 1998 PA
17 58, MCL 436.1101 to 436.2303, may post the sign developed under
18 this subdivision.

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

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

29 (g) A hospital.



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

3 (2) ~~Subject to subsection (5), an~~ **An individual who is not**
4 **licensed under this act to carry a concealed pistol, or who is not**
5 **exempt from licensure under section 12a(h)**, shall not carry a
6 portable device that uses electro-muscular disruption technology on
7 any of the premises described in subsection (1).

8 (3) An individual licensed under this act to carry a concealed
9 pistol, or who is exempt from licensure under section 12a(h), shall
10 not carry a concealed pistol in violation of R 432.1212 of the
11 Michigan Administrative Code promulgated under the Michigan gaming
12 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

13 (4) As used in subsection (1), "premises" does not include
14 parking areas of the places identified under subsection (1).

15 ~~(5) Subsections (1) and (2) do not apply to any of the~~
16 ~~following:~~

17 ~~(a) An individual licensed under this act who is a retired~~
18 ~~police officer, retired law enforcement officer, or retired federal~~
19 ~~law enforcement officer.~~

20 ~~(b) An individual who is licensed under this act and who is~~
21 ~~employed or contracted by an entity described under subsection (1)~~
22 ~~to provide security services and is required by his or her employer~~
23 ~~or the terms of a contract to carry a concealed firearm on the~~
24 ~~premises of the employing or contracting entity.~~

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

28 ~~(d) An individual who is licensed under this act and who is a~~
29 ~~corrections officer of a county sheriff's department or who is~~



1 ~~licensed under this act and is a retired corrections officer of a~~
 2 ~~county sheriff's department, if that individual has received county~~
 3 ~~sheriff approved weapons training.~~

4 ~~(e) An individual who is licensed under this act and who is a~~
 5 ~~motor carrier officer or capitol security officer of the department~~
 6 ~~of state police.~~

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

9 ~~(g) An individual who is licensed under this act and who is an~~
 10 ~~auxiliary officer or reserve officer of a police or sheriff's~~
 11 ~~department.~~

12 ~~(h) An individual who is licensed under this act and who is~~
 13 ~~any of the following:~~

14 ~~(i) A parole, probation, or corrections officer, or absconder~~
 15 ~~recovery unit member, of the department of corrections, if that~~
 16 ~~individual has obtained a Michigan department of corrections~~
 17 ~~weapons permit.~~

18 ~~(ii) A retired parole, probation, or corrections officer, or~~
 19 ~~retired absconder recovery unit member, of the department of~~
 20 ~~corrections, if that individual has obtained a Michigan department~~
 21 ~~of corrections weapons permit.~~

22 ~~(i) A state court judge or state court retired judge who is~~
 23 ~~licensed under this act.~~

24 ~~(j) An individual who is licensed under this act and who is a~~
 25 ~~court officer.~~

26 ~~(k) An individual who is licensed under this act and who is a~~
 27 ~~peace officer.~~

28 **(5)** ~~(6)~~ An individual who violates this section is responsible
 29 for a state civil infraction or guilty of a crime as follows:



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

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

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

14 Sec. 12. (1) Section 2 does not apply to any of the following:

15 (a) A police or correctional agency of the United States or of
 16 this state or any subdivision of this state.

17 (b) The United States ~~army, air force, navy,~~ **Army, Air Force,**
 18 **Navy,** or ~~marine corps.~~ **Marine Corps.**

19 (c) An organization authorized by law to purchase or receive
 20 weapons from the United States or from this state.

21 (d) The ~~national guard, armed forces reserves,~~ **National Guard,**
 22 **United States Armed Forces Reserves,** or other duly authorized
 23 military organization.

24 (e) A member of an entity or organization described in
 25 subdivisions (a) through (d) for a pistol while engaged in the
 26 course of his or her duties with that entity or while going to or
 27 returning from those duties.

28 (f) A United States citizen holding a license to carry a
 29 pistol concealed upon his or her person issued by another state.



1 (g) The regular and ordinary possession and transportation of
2 a pistol as merchandise by an authorized agent of a person licensed
3 to manufacture firearms or a licensed dealer.

4 (h) Purchasing, owning, carrying, possessing, using, or
5 transporting an antique firearm. As used in this subdivision,
6 "antique firearm" means that term as defined in section ~~231a-237a~~
7 of the Michigan penal code, 1931 PA 328, MCL ~~750.231a-750.237a~~.

8 (i) An individual carrying, possessing, using, or transporting
9 a pistol belonging to another individual, if the other individual's
10 possession of the pistol is authorized by law and the individual
11 carrying, possessing, using, or transporting the pistol has
12 obtained a license under section 5b to carry a concealed pistol or
13 is exempt from licensure as provided in section 12a.

14 (2) The amendatory act that added subsection (1)(h) shall be
15 known and may be cited as the "Janet Kukuk act".

16 Sec. 12a. The requirements of this act for obtaining a license
17 to carry a concealed pistol **on the premises listed in section 5o** do
18 not apply to any of the following:

19 (a) A peace officer of a duly authorized police agency of the
20 United States or of this state or a political subdivision of this
21 state, who is regularly employed and paid by the United States or
22 this state or a subdivision of this state, except a township
23 constable.

24 (b) A constable who is trained and licensed or certified under
25 the Michigan commission on law enforcement standards act, 1965 PA
26 203, MCL 28.601 to 28.615, while engaged in his or her official
27 duties or going to or coming from his or her official duties, and
28 who is regularly employed and paid by a political subdivision of
29 this state.



1 (c) An individual regularly employed by the department of
2 corrections and authorized in writing by the director of the
3 department of corrections to carry a concealed pistol during the
4 performance of his or her duties or while going to or returning
5 from his or her duties.

6 (d) An individual regularly employed as a local corrections
7 officer by a county sheriff, who is trained in the use of force and
8 is authorized in writing by the county sheriff to carry a concealed
9 pistol during the performance of his or her duties.

10 (e) An individual regularly employed in a city jail or lockup
11 who has custody of individuals detained or incarcerated in the jail
12 or lockup, is trained in the use of force, and is authorized in
13 writing by the chief of police or the county sheriff to carry a
14 concealed pistol during the performance of his or her duties.

15 (f) A member of the United States Army, Air Force, Navy, or
16 Marine Corps while carrying a concealed pistol in the line of duty.

17 (g) A member of the National Guard, ~~armed forces reserves,~~
18 **United States Armed Forces Reserves**, or other duly authorized
19 military organization while on duty or drill or while going to or
20 returning from his or her place of assembly or practice or while
21 carrying a concealed pistol for purposes of that military
22 organization.

23 (h) A resident of another state who is licensed by that state
24 to carry a concealed pistol.

25 (i) The regular and ordinary transportation of a pistol as
26 merchandise by an authorized agent of a person licensed to
27 manufacture firearms.

28 (j) An individual while carrying a pistol unloaded in a
29 wrapper or container in the trunk of his or her vehicle or, if the



1 vehicle does not have a trunk, from transporting that pistol
2 unloaded in a locked compartment or container that is separated
3 from the ammunition for that pistol from the place of purchase to
4 his or her home or place of business or to a place of repair or
5 back to his or her home or place of business, or in moving goods
6 from 1 place of abode or business to another place of abode or
7 business.

8 (k) A peace officer or law enforcement officer from Canada.

9 Sec. 15. (1) Except as provided in subsection (2), a federally
10 licensed firearms dealer shall not sell a firearm in this state
11 unless the sale includes 1 of the following:

12 (a) A commercially available trigger lock or other device
13 designed to disable the firearm and prevent the discharge of the
14 firearm.

15 (b) A commercially available gun case or storage container
16 that can be secured to prevent unauthorized access to the firearm.

17 (2) This section does not apply to any of the following:

18 (a) The sale of a firearm to a police officer or a police
19 agency.

20 (b) The sale of a firearm to a person who presents to the
21 federally licensed firearms dealer 1 of the following:

22 (i) A trigger lock or other device designed to disable the
23 firearm and prevent the discharge of the firearm together with a
24 copy of the purchase receipt for the federally licensed firearms
25 dealer to keep. A separate trigger lock or device and a separate
26 purchase receipt ~~shall be~~ **is** required for each firearm purchased.

27 (ii) A gun case or storage container that can be secured to
28 prevent unauthorized access to the firearm together with a copy of
29 the purchase receipt for the federally licensed firearms dealer to



1 keep. A separate gun case or storage container and a separate
2 purchase receipt ~~shall be~~ **is** required for each firearm purchased.

3 (c) The sale of an antique firearm. As used in this
4 subdivision, "antique firearm" means that term as defined in
5 section ~~231a-237a~~ **237a** of the Michigan penal code, 1931 PA 328, MCL
6 ~~750.231a-750.237a~~ **750.237a**.

7 (d) The sale or transfer of a firearm if the seller is not a
8 federally licensed firearms dealer.

9 (3) A federally licensed firearms dealer shall not sell a
10 firearm in this state unless the firearm is accompanied with, free
11 of charge, a brochure or pamphlet that includes safety information
12 on the use and storage of the firearm in a home environment.

13 (4) Upon the sale of a firearm, a federally licensed firearms
14 dealer shall sign a statement and require the purchaser to sign a
15 statement stating that the sale is in compliance with subsections
16 (1), (2), and (3).

17 (5) A federally licensed firearms dealer shall retain a copy
18 of the signed statements prescribed in subsection (4) and, if
19 applicable, a copy of the receipt prescribed in subsection (2)(b),
20 for at least 6 years.

21 (6) A federally licensed firearms dealer in this state shall
22 post in a conspicuous manner at the entrances, exits, and all
23 points of sale on the premises where firearms are sold a notice
24 that says the following: "You may be criminally and civilly liable
25 for any harm caused by a person less than 18 years of age who
26 lawfully gains unsupervised access to your firearm if unlawfully
27 stored.".

28 (7) A federally licensed firearms dealer is not liable for
29 damages arising from the use or misuse of a firearm if the sale



1 complies with this section, any other applicable law of this state,
2 and applicable federal law.

3 (8) This section does not create a civil action or liability
4 for damages arising from the use or misuse of a firearm or
5 ammunition for a person, other than a federally licensed firearms
6 dealer, who produces a firearm or ammunition.

7 (9) Subject to subsections (10) to (12), a political
8 subdivision shall not bring a civil action against any person who
9 produces a firearm or ammunition. The authority to bring a civil
10 action under this section is reserved exclusively to the state and
11 can be brought only by the attorney general. The court shall award
12 costs and reasonable attorney fees to each defendant named in a
13 civil action filed in violation of this subsection.

14 (10) Subject to subsection (11), subsection (9) does not
15 prohibit a civil action by a political subdivision based on 1 or
16 more of the following, which the court shall narrowly construe:

17 (a) A breach of contract, other contract issue, or an action
18 based on a provision of the uniform commercial code, 1962 PA 174,
19 MCL 440.1101 to ~~440.11102~~, ~~440.9994~~, in which the political
20 subdivision is the purchaser and owner of the firearm or
21 ammunition.

22 (b) Expressed or implied warranties arising from the purchase
23 of a firearm or ammunition by the political subdivision or the use
24 of a firearm or ammunition by an employee or agent of the political
25 subdivision.

26 (c) A product liability, personal injury, or wrongful death
27 action when an employee or agent or property of the political
28 subdivision has been injured or damaged as a result of a defect in
29 the design or manufacture of the firearm or ammunition purchased



1 and owned by the political subdivision.

2 (11) Subsection (10) does not allow an action based on any of
3 the following:

4 (a) A firearm's or ammunition's inherent potential to cause
5 injury, damage, or death.

6 (b) Failure to warn the purchaser, transferee, or user of the
7 firearm's or ammunition's inherent potential to cause injury,
8 damage, or death.

9 (c) Failure to sell with or incorporate into the product a
10 device or mechanism to prevent a firearm or ammunition from being
11 discharged by an unauthorized person unless specifically provided
12 for by contract.

13 (12) Subsections (9) through (11) do not create a civil
14 action.

15 (13) Subsections (9) through (11) are intended only to clarify
16 the current status of the law in this state, are remedial in
17 nature, and, therefore, apply to a civil action pending on the
18 effective date of this act.

19 (14) Beginning September 1, 2000, a person who violates this
20 section is guilty of a crime as follows:

21 (a) Except as provided in subdivision (b) or (c), the person
22 is guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$500.00, or both.

24 (b) For a second conviction, the person is guilty of a
25 misdemeanor punishable by imprisonment for not more than 1 year or
26 a fine of not more than \$1,000.00, or both.

27 (c) For a third or subsequent conviction, the person is guilty
28 of a felony punishable by imprisonment for not more than 2 years or
29 a fine of not more than \$5,000.00, or both.



1 (15) As used in this section:

2 (a) "Federally licensed firearms dealer" means a person
3 licensed under ~~section 923 of title 18 of the United States Code,~~
4 18 U.S.C. ~~USC~~ 923.

5 (b) "Firearm or ammunition" includes a component of a firearm
6 or ammunition.

7 (c) "Person" means an individual, partnership, corporation,
8 association, or other legal entity.

9 (d) "Political subdivision" means a county, city, village,
10 township, charter township, school district, community college, or
11 public university or college.

12 (e) "Produce" means to manufacture, construct, design,
13 formulate, develop standards for, prepare, process, assemble,
14 inspect, test, list, certify, give a warning or instructions
15 regarding, market, sell, advertise, package, label, distribute, or
16 transfer.

