

# HOUSE BILL NO. 4097

January 29, 2019, Introduced by Reps. Rendon, Slagh, Calley, Howell, Stone, Crawford, Chirkun, Frederick, Leutheuser, Allor and Gay-Dagnogo and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

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

certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 1, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2017 PA 95.

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

1           Sec. 1. (1) As used in this act:

2           (a) "Corrections officer of the department of corrections"  
3 means a state correctional officer as that term is defined in  
4 section 2 of the correctional officers' training act of 1982, 1982  
5 PA 415, MCL 791.502.

6           (b) "Felony" means, except as otherwise provided in this  
7 subdivision, that term as defined in section 1 of chapter I of the  
8 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
9 of a law of the United States or another state that is designated  
10 as a felony or that is punishable by death or by imprisonment for  
11 more than 1 year. Felony does not include a violation of a penal  
12 law of this state that is expressly designated as a misdemeanor.

13           (c) "Firearm" means any weapon which will, is designed to, or  
14 may readily be converted to expel a projectile by action of an  
15 explosive.

16           (d) "Firearms records" means any form, information, or record  
17 required for submission to a government agency under sections 2,  
18 2a, 2b, and 5b, or any form, permit, or license issued by a  
19 government agency under this act.

20           (e) "Local corrections officer" means that term as defined in  
21 section 2 of the local corrections officers training act, 2003 PA  
22 125, MCL 791.532.

23           (f) "Misdemeanor" means a violation of a penal law of this  
24 state or violation of a local ordinance substantially corresponding

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

5 (g) "Parole or probation officer of the department of  
6 corrections" means any individual employed by the department of  
7 corrections to supervise felony probationers or parolees or that  
8 individual's immediate supervisor.

9 (h) "Peace officer" means, except as otherwise provided in  
10 this act, an individual who is employed as a law enforcement  
11 officer, as that term is defined under section 2 of the Michigan  
12 commission on law enforcement standards act, 1965 PA 203, MCL  
13 28.602, by this state or another state, a political subdivision of  
14 this state or another state, or the United States, and who is  
15 required to carry a firearm in the course of his or her duties as a  
16 law enforcement officer.

17 (i) "Pistol" means a loaded or unloaded firearm that is 26  
18 inches or less in length, or a loaded or unloaded firearm that by  
19 its construction and appearance conceals it as a firearm.

20 (j) "Purchaser" means a person who receives a pistol from  
21 another person by purchase or gift.

22 **(k) "Qualified retired law enforcement officer" means that**  
23 **term as defined in 18 USC 926c.**

24 (l) ~~(k)~~ "Reserve peace officer", "auxiliary officer", or  
25 "reserve officer" means, except as otherwise provided in this act,  
26 an individual authorized on a voluntary or irregular basis by a  
27 duly authorized police agency of this state or a political  
28 subdivision of this state to act as a law enforcement officer, who  
29 is responsible for the preservation of the peace, the prevention

1 and detection of crime, and the enforcement of the general criminal  
2 laws of this state, and who is otherwise eligible to possess a  
3 firearm under this act.

4 **(m)** ~~(l)~~—"Retired corrections officer of the department of  
5 corrections" means an individual who was a corrections officer of  
6 the department of corrections and who retired in good standing from  
7 his or her employment as a corrections officer of the department of  
8 corrections.

9 **(n)** ~~(m)~~—"Retired federal law enforcement officer" means an  
10 individual who was an officer or agent employed by a law  
11 enforcement agency of the United States government whose primary  
12 responsibility was enforcing laws of the United States, who was  
13 required to carry a firearm in the course of his or her duties as a  
14 law enforcement officer, and who retired in good standing from his  
15 or her employment as a federal law enforcement officer.

16 **(o)** ~~(n)~~—"Retired parole or probation officer of the department  
17 of corrections" means an individual who was a parole or probation  
18 officer of the department of corrections and who retired in good  
19 standing from his or her employment as a parole or probation  
20 officer of the department of corrections.

21 **(p)** ~~(o)~~—"Retired police officer" or "retired law enforcement  
22 officer" means an individual who was a police officer or law  
23 enforcement officer who was licensed or certified as described in  
24 the Michigan commission on law enforcement standards act, 1965 PA  
25 203, MCL 28.601 to 28.615, and retired in good standing from his or  
26 her employment as a police officer or law enforcement officer. A  
27 police officer or law enforcement officer retired in good standing  
28 if he or she receives a pension or other retirement benefit for his  
29 or her service as a police officer or law enforcement officer or

1 actively maintained a Michigan commission on law enforcement  
 2 standards or equivalent state certification or license from this  
 3 state or another state for not less than 10 consecutive years.

4 **(q)** ~~(p)~~—"Seller" means a person who sells or gives a pistol to  
 5 another person.

6 **(r)** ~~(q)~~—"State court judge" means a judge of the district  
 7 court, circuit court, probate court, or court of appeals or justice  
 8 of the supreme court of this state who is serving either by  
 9 election or appointment.

10 **(s)** ~~(r)~~—"State court retired judge" means a judge or justice  
 11 described in subdivision ~~(q)~~ **(r)** who is retired, or a retired judge  
 12 of the recorders court.

13 (2) A person may lawfully own, possess, carry, or transport as  
 14 a pistol a firearm greater than 26 inches in length if all of the  
 15 following conditions apply:

16 (a) The person registered the firearm as a pistol under  
 17 section 2 or 2a before January 1, 2013.

18 (b) The person who registered the firearm as described in  
 19 subdivision (a) has maintained registration of the firearm since  
 20 January 1, 2013 without lapse.

21 (c) The person possesses a copy of the license or record  
 22 issued to him or her under section 2 or 2a.

23 (3) A person who satisfies all of the conditions listed under  
 24 subsection (2) nevertheless may elect to have the firearm not be  
 25 considered to be a pistol. A person who makes the election under  
 26 this subsection shall notify the department of state police of the  
 27 election in a manner prescribed by that department.

28 Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
 29 an individual shall apply to the county clerk in the county in

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

28 (a) The applicant's legal name, date of birth, the address of  
29 his or her primary residence, and his or her state-issued driver

1 license or personal identification card number.

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

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

7 (d) A statement by the applicant regarding whether he or she  
8 has a history of mental illness that would disqualify him or her  
9 under subsection (7)(j) to (l) from receiving a license to carry a  
10 concealed pistol.

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

14 (i) Any felony.

15 (ii) A misdemeanor listed under subsection (7)(h) if the  
16 applicant was convicted of that misdemeanor in the 8 years  
17 immediately preceding the date of the application, or a misdemeanor  
18 listed under subsection (7)(i) if the applicant was convicted of  
19 that misdemeanor in the 3 years immediately preceding the date of  
20 the application.

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

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

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

28 (2) The county clerk shall not require the applicant to submit  
29 any additional forms, documents, letters, or other evidence of

1 eligibility for obtaining a license to carry a concealed pistol  
2 except as set forth in subsection (1) or as otherwise provided for  
3 in this act. The application form must contain a conspicuous  
4 warning that the application is executed under oath and that  
5 intentionally making a material false statement on the application  
6 is a felony punishable by imprisonment for not more than 4 years or  
7 a fine of not more than \$2,500.00, or both.

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

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

17 (5) Each applicant shall pay a nonrefundable application and  
18 licensing fee of \$100.00 by any method of payment accepted by that  
19 county for payments of other fees and penalties. Except as provided  
20 in subsection (9), no other charge, fee, cost, or assessment,  
21 including any local charge, fee, cost, or assessment, is required  
22 of the applicant except as specifically authorized in this act. The  
23 applicant shall pay the application and licensing fee to the  
24 county. The county treasurer shall deposit \$26.00 of each  
25 application and licensing fee collected under this section in the  
26 concealed pistol licensing fund of that county created in section  
27 5x. The county treasurer shall forward the balance remaining to the  
28 state treasurer. The state treasurer shall deposit the balance of  
29 the fee in the general fund to the credit of the department of



1 state police. The department of state police shall use the money  
2 received under this act to process the fingerprints and to  
3 reimburse the Federal Bureau of Investigation for the costs  
4 associated with processing fingerprints submitted under this act.  
5 The balance of the money received under this act must be credited  
6 to the department of state police.

7 (6) The department of state police shall verify the  
8 requirements of subsection (7) (d), (e), (f), (h), (i), (j), (k),  
9 and (m) through the law enforcement information network and the  
10 national instant criminal background check system and shall report  
11 to the county clerk all statutory disqualifications, if any, under  
12 this act that apply to an applicant.

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

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

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

1 inability to immediately obtain a license to carry a concealed  
2 pistol. If the applicant holds a valid concealed pistol license  
3 issued by another state at the time the applicant's residency in  
4 this state is established, the county clerk shall waive the 6-month  
5 residency requirement and the applicant may apply for a concealed  
6 pistol license at the time the applicant's residency in this state  
7 is established. For the purposes of this section, an individual is  
8 considered a legal resident of this state if any of the following  
9 apply:

10 (i) The individual has a valid, lawfully obtained driver  
11 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
12 257.1 to 257.923, or official state personal identification card  
13 issued under 1972 PA 222, MCL 28.291 to 28.300.

14 (ii) The individual is lawfully registered to vote in this  
15 state.

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

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

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

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

29 (i) Section 464a of the mental health code, 1974 PA 258, MCL

1 330.1464a.

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

4 (iii) Sections 2950 and 2950a of the revised judicature act of  
5 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

6 (iv) Section 6b of chapter V of the code of criminal procedure,  
7 1927 PA 175, MCL 765.6b, if the order has a condition imposed under  
8 section 6b(3) of chapter V of the code of criminal procedure, 1927  
9 PA 175, MCL 765.6b.

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

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

17 (f) Based solely on the report received from the department of  
18 state police under subsection (6), the applicant has never been  
19 convicted of a felony in this state or elsewhere, and a felony  
20 charge against the applicant is not pending in this state or  
21 elsewhere at the time he or she applies for a license described in  
22 this section.

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

25 (h) Based solely on the report received from the department of  
26 state police under subsection (6), the applicant has not been  
27 convicted of a misdemeanor violation of any of the following in the  
28 8 years immediately preceding the date of application and a charge  
29 for a misdemeanor violation of any of the following is not pending

1 against the applicant in this state or elsewhere at the time he or  
2 she applies for a license described in this section:

3 (i) Section 617a (failing to stop when involved in a personal  
4 injury accident), section 625 as punishable under subsection (9)(b)  
5 of that section (operating while intoxicated, second offense),  
6 section 625m as punishable under subsection (4) of that section  
7 (operating a commercial vehicle with alcohol content, second  
8 offense), section 626 (reckless driving), or a violation of section  
9 904(1) (operating while license suspended or revoked, second or  
10 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
11 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

22 (v) Section 80176 as punishable under section 80177(1)(b)  
23 (operating vessel under the influence of intoxicating liquor or a  
24 controlled substance, second offense), section 81134 as punishable  
25 under subsection (8)(b) of that section (operating ORV under the  
26 influence of intoxicating liquor or a controlled substance, second  
27 or subsequent offense), or section 82127 as punishable under  
28 section 82128(1)(b) (operating snowmobile under the influence of  
29 intoxicating liquor or a controlled substance, second offense) of

1 the natural resources and environmental protection act, 1994 PA  
2 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

3 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
4 333.7403 (possession of controlled substance, controlled substance  
5 analogue, or prescription form).

6 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,  
7 MCL 462.353, punishable under subsection (4) of that section  
8 (operating locomotive under the influence of intoxicating liquor or  
9 a controlled substance, or while visibly impaired, second offense).

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

12 (ix) Section 81 (assault or domestic assault), section 81a(1)  
13 or (2) (aggravated assault or aggravated domestic assault), section  
14 115 (breaking and entering or entering without breaking), section  
15 136b(7) (fourth degree child abuse), section 145n (vulnerable adult  
16 abuse), section 157b(3)(b) (solicitation to commit a felony),  
17 section 215 (impersonating peace officer or medical examiner),  
18 section 223 (illegal sale of a firearm or ammunition), section 224d  
19 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~  
20 ~~or possession of a switchblade)~~, section 227c (improper  
21 transportation of a loaded firearm), section 229 (accepting a  
22 pistol in pawn), section 232a (improperly obtaining a pistol,  
23 making a false statement on an application to purchase a pistol, or  
24 using false identification to purchase a pistol), section 233  
25 (intentionally aiming a firearm without malice), section 234  
26 (intentionally discharging a firearm aimed without malice), section  
27 234d (possessing a firearm on prohibited premises), section 234e  
28 (brandishing a firearm in public), section 234f (possession of a  
29 firearm by an individual less than 18 years of age), section 235

1 (intentionally discharging a firearm aimed without malice causing  
2 injury), section 235a (parent of a minor who possessed a firearm in  
3 a weapon free school zone), section 236 (setting a spring gun or  
4 other device), section 237 (possessing a firearm while under the  
5 influence of intoxicating liquor or a controlled substance),  
6 section 237a (weapon free school zone violation), section 335a  
7 (indecent exposure), section 411h (stalking), or section 520e  
8 (fourth degree criminal sexual conduct) of the Michigan penal code,  
9 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,  
10 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,  
11 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,  
12 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and  
13 750.520e.

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

16 (xi) Section 1 (reckless, careless, or negligent use of a  
17 firearm resulting in injury or death), section 2 (careless,  
18 reckless, or negligent use of a firearm resulting in property  
19 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
20 45, MCL 752.861, 752.862, and 752.863a.

21 (xii) A violation of a law of the United States, another state,  
22 or a local unit of government of this state or another state  
23 substantially corresponding to a violation described in  
24 subparagraphs (i) to (xi).

25 (i) Based solely on the report received from the department of  
26 state police under subsection (6), the applicant has not been  
27 convicted of a misdemeanor violation of any of the following in the  
28 3 years immediately preceding the date of application unless the  
29 misdemeanor violation is listed under subdivision (h) and a charge

1 for a misdemeanor violation of any of the following is not pending  
2 against the applicant in this state or elsewhere at the time he or  
3 she applies for a license described in this section:

4 (i) Section 625 (operating under the influence), section 625a  
5 (refusal of commercial vehicle operator to submit to a chemical  
6 test), section 625k (ignition interlock device reporting  
7 violation), section 625l (circumventing an ignition interlock  
8 device), or section 625m punishable under subsection (3) of that  
9 section (operating a commercial vehicle with alcohol content) of  
10 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
11 257.625k, 257.625l, and 257.625m.

12 (ii) Section 185 of the aeronautics code of the state of  
13 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the  
14 influence).

15 (iii) Section 81134 (operating ORV under the influence or  
16 operating ORV while visibly impaired), or section 82127 (operating  
17 a snowmobile under the influence) of the natural resources and  
18 environmental protection act, 1994 PA 451, MCL 324.81134 and  
19 324.82127.

20 (iv) Part 74 of the public health code, 1978 PA 368, MCL  
21 333.7401 to 333.7461 (controlled substance violation).

22 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
23 462.353, punishable under subsection (3) of that section (operating  
24 locomotive under the influence).

25 (vi) Section 167 (disorderly person), section 174  
26 (embezzlement), section 218 (false pretenses with intent to  
27 defraud), section 356 (larceny), section 356d (second degree retail  
28 fraud), section 359 (larceny from a vacant building or structure),  
29 section 362 (larceny by conversion), section 362a (larceny -

1 defrauding lessor), section 377a (malicious destruction of  
2 property), section 380 (malicious destruction of real property),  
3 section 535 (receiving or concealing stolen property), or section  
4 540e (malicious use of telecommunications service or device) of the  
5 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
6 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
7 750.535, and 750.540e.

8 (vii) A violation of a law of the United States, another state,  
9 or a local unit of government of this state or another state  
10 substantially corresponding to a violation described in  
11 subparagraphs (i) to (vi).

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

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

21 (l) The applicant has filed a statement under subsection (1)(d)  
22 that the applicant does not have a diagnosis of mental illness that  
23 includes an assessment that the individual presents a danger to  
24 himself or herself or to another at the time the application is  
25 made, regardless of whether he or she is receiving treatment for  
26 that illness.

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



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

3 (8) Upon entry of a court order or conviction of 1 of the  
4 enumerated prohibitions for using, transporting, selling,  
5 purchasing, carrying, shipping, receiving, or distributing a  
6 firearm in this section the department of state police shall  
7 immediately enter the order or conviction into the law enforcement  
8 information network. For purposes of this act, information of the  
9 court order or conviction must not be removed from the law  
10 enforcement information network, but may be moved to a separate  
11 file intended for the use of the department of state police, the  
12 courts, and other government entities as necessary and exclusively  
13 to determine eligibility to be licensed under this act.

14 (9) An individual, after submitting an application and paying  
15 the fee prescribed under subsection (5), shall request that  
16 classifiable fingerprints be taken by a county clerk, the  
17 department of state police, a county sheriff, a local police  
18 agency, or other entity, if the county clerk, department of state  
19 police, county sheriff, local police agency, or other entity  
20 provides fingerprinting capability for the purposes of this act. An  
21 individual who has had classifiable fingerprints taken under  
22 section 5a(4) does not need additional fingerprints taken under  
23 this subsection. If the individual requests that classifiable  
24 fingerprints be taken by the county clerk, department of state  
25 police, county sheriff, a local police agency, or other entity, the  
26 individual shall also pay a fee of \$15.00 by any method of payment  
27 accepted for payments of other fees and penalties. A county clerk  
28 shall deposit any fee it accepts under this subsection in the  
29 concealed pistol licensing fund of that county created in section

1 5x. The county clerk, department of state police, county sheriff,  
2 local police agency, or other entity shall take the fingerprints  
3 within 5 business days after the request. County clerks, the  
4 department of state police, county sheriffs, local police agencies,  
5 and other entities shall provide reasonable access to  
6 fingerprinting services during normal business hours as is  
7 necessary to comply with the requirements of this act if the county  
8 clerk, department of state police, county sheriff, local police  
9 agency, or other entity provides fingerprinting capability for the  
10 purposes of this act. The entity providing fingerprinting services  
11 shall issue the individual a receipt at the time his or her  
12 fingerprints are taken. The county clerk, department of state  
13 police, county sheriff, local police agency, or other entity shall  
14 not provide a receipt under this subsection unless the individual  
15 requesting the fingerprints provides an application receipt  
16 received under subsection (1). A receipt under this subsection must  
17 contain all of the following:

- 18 (a) The name of the individual.  
19 (b) The date and time the receipt is issued.  
20 (c) The amount paid.  
21 (d) The name of the entity providing the fingerprint services.  
22 (e) The individual's state-issued driver license or personal  
23 identification card number.  
24 (f) The statement "This receipt was issued for the purpose of  
25 applying for a concealed pistol license. As provided in section 5b  
26 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory  
27 disqualification is not issued within 45 days after the date this  
28 receipt was issued, this receipt shall serve as a concealed pistol  
29 license for the individual named in the receipt when carried with

1 an official state-issued driver license or personal identification  
2 card. The receipt is valid as a license until a license or notice  
3 of statutory disqualification is issued by the county clerk. This  
4 receipt does not exempt the individual named in the receipt from  
5 complying with all applicable laws for the purchase of firearms.".

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

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

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

4           (13) Subject to subsection (10), the department of state  
5 police shall complete the verification required under subsection  
6 (6) and the county clerk shall issue a license or a notice of  
7 statutory disqualification within 45 days after the date the  
8 individual has classifiable fingerprints taken under subsection  
9 (9). The county clerk shall include an indication on the license if  
10 an individual is exempt from the prohibitions against carrying a  
11 concealed pistol on premises described in section 50 if the  
12 applicant provides acceptable proof that he or she qualifies for  
13 that exemption. If the county clerk receives notice from a county  
14 sheriff or chief law enforcement officer that a licensee is no  
15 longer a member of a sheriff's posse, an auxiliary officer, or a  
16 reserve officer, the county clerk shall notify the licensee that he  
17 or she shall surrender the concealed pistol license indicating that  
18 the individual is exempt from the prohibitions against carrying a  
19 concealed pistol on premises described in section 50. The licensee  
20 shall, within 30 days after receiving notice from the county clerk,  
21 surrender the license indicating that the individual is exempt from  
22 the prohibitions against carrying a concealed pistol on premises  
23 described in section 50 and obtain a replacement license after  
24 paying the fee required under subsection (15). If the county clerk  
25 issues a notice of statutory disqualification, the county clerk  
26 shall within 5 business days do all of the following:

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

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

2 (ii) The source of the record for each statutory  
3 disqualification identified.

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

6 (b) Inform the individual in writing of his or her right to  
7 appeal the denial or notice of statutory disqualification to the  
8 circuit court as provided in section 5d.

9 (c) Inform the individual that he or she should contact the  
10 source of the record for any statutory disqualification to correct  
11 any errors in the record resulting in the statutory  
12 disqualification.

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

21 (15) If an individual licensed under this act to carry a  
22 concealed pistol moves to a different county within this state, his  
23 or her license remains valid until it expires or is otherwise  
24 suspended or revoked under this act. An individual may notify a  
25 county clerk that he or she has moved to a different address within  
26 this state for the purpose of receiving the notice under section  
27 5/1). A license to carry a concealed pistol that is lost, stolen,  
28 defaced, or replaced for any other reason may be replaced by the  
29 issuing county clerk for a replacement fee of \$10.00. A county

1 clerk shall deposit a replacement fee under this subsection in the  
2 concealed pistol licensing fund of that county created in section  
3 5x.

4 (16) If a license issued under this act is suspended or  
5 revoked, the license is forfeited and the individual shall return  
6 the license to the county clerk forthwith by mail or in person. The  
7 county clerk shall retain a suspended or revoked license as an  
8 official record 1 year after the expiration of the license, unless  
9 the license is reinstated or a new license is issued. The county  
10 clerk shall notify the department of state police if a license is  
11 suspended or revoked. The department of state police shall enter  
12 that suspension or revocation into the law enforcement information  
13 network. An individual who fails to return a license as required  
14 under this subsection after he or she was notified that his or her  
15 license was suspended or revoked is guilty of a misdemeanor  
16 punishable by imprisonment for not more than 93 days or a fine of  
17 not more than \$500.00, or both.

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

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

28 (19) A county clerk issuing an initial license or renewal  
29 license under this act shall mail the license to the licensee by

1 first-class mail in a sealed envelope. Upon payment of the fee  
2 under subsection (15), a county clerk shall issue a replacement  
3 license in person at the time of application for a replacement  
4 license. A county clerk may also deliver a replacement license by  
5 first-class mail if the individual submits to the clerk a written  
6 request and a copy of the individual's state-issued driver license  
7 or personal identification card.

8 (20) A county clerk, county sheriff, county prosecuting  
9 attorney, police department, or the department of state police is  
10 not liable for civil damages as a result of issuing a license under  
11 this act to an individual who later commits a crime or a negligent  
12 act.

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

22 (22) As used in this section:

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

24 (i) For a retired police officer or retired law enforcement  
25 officer, the officer's retired identification or a letter from a  
26 law enforcement agency stating that the retired police officer or  
27 law enforcement officer retired in good standing.

28 (ii) For an individual who is employed or contracted by an  
29 entity described under section 5o(1) to provide security services,

1 a letter from that entity stating that the employee is required by  
2 his or her employer or the terms of a contract to carry a concealed  
3 firearm on the premises of the employing or contracting entity and  
4 his or her employee identification.

5 (iii) For an individual who is licensed as a private  
6 investigator or private detective under the professional  
7 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,  
8 his or her license.

9 (iv) For an individual who is a corrections officer of a county  
10 sheriff's department, his or her employee identification and a  
11 letter stating that the individual has received county sheriff  
12 approved weapons training.

13 (v) For an individual who is a retired corrections officer of  
14 a county sheriff's department, a letter from the county sheriff's  
15 office stating that the retired corrections officer retired in good  
16 standing and that the individual has received county sheriff  
17 approved weapons training.

18 (vi) For an individual who is a motor carrier officer or  
19 capitol security officer of the department of state police, his or  
20 her employee identification.

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

23 (viii) For an individual who is an auxiliary officer or reserve  
24 officer of a police or sheriff's department, his or her employee  
25 identification.

26 (ix) For an individual who is a parole, probation, or  
27 corrections officer, or absconder recovery unit member, of the  
28 department of corrections, his or her employee identification and  
29 proof that the individual obtained a Michigan department of



1 corrections weapons permit.

2 (x) For an individual who is a retired parole, probation, or  
 3 corrections officer, or retired absconder recovery unit member, of  
 4 the department of corrections, a letter from the department of  
 5 corrections stating that the retired parole, probation, or  
 6 corrections officer, or retired absconder recovery unit member,  
 7 retired in good standing and proof that the individual obtained a  
 8 Michigan department of corrections weapons permit.

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

12 (xii) For an individual who is a court officer, his or her  
 13 employee identification.

14 (xiii) For a retired federal law enforcement officer, the  
 15 identification required under ~~the law enforcement officers safety~~  
 16 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating  
 17 that the retired federal law enforcement officer retired in good  
 18 standing.

19 (xiv) For an individual who is a peace officer, his or her  
 20 employee identification.

21 **(xv) For a qualified retired law enforcement officer, the**  
 22 **identification required under 18 USC 926c.**

23 (b) "Convicted" means a final conviction, the payment of a  
 24 fine, a plea of guilty or nolo contendere if accepted by the court,  
 25 or a finding of guilt for a criminal law violation or a juvenile  
 26 adjudication or disposition by the juvenile division of probate  
 27 court or family division of circuit court for a violation that if  
 28 committed by an adult would be a crime.

29 (c) "Felony" means, except as otherwise provided in this

1 subdivision, that term as defined in section 1 of chapter I of the  
2 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
3 of a law of the United States or another state that is designated  
4 as a felony or that is punishable by death or by imprisonment for  
5 more than 1 year. Felony does not include a violation of a penal  
6 law of this state that is expressly designated as a misdemeanor.

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

11 (e) "Misdemeanor" means a violation of a penal law of this  
12 state or violation of a local ordinance substantially corresponding  
13 to a violation of a penal law of this state that is not a felony or  
14 a violation of an order, rule, or regulation of a state agency that  
15 is punishable by imprisonment or a fine that is not a civil fine,  
16 or both.

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

20 Sec. 5o. (1) Subject to subsection (5), an individual licensed  
21 under this act to carry a concealed pistol, or who is exempt from  
22 licensure under section 12a(h), shall not carry a concealed pistol  
23 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 individual shall not carry a  
4 portable device that uses electro-muscular disruption technology on  
5 any of the premises described in subsection (1).

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

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

13 (5) Subsections (1) and (2) do not apply to any of the  
14 following:

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

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

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

26 (d) An individual who is licensed under this act and who is a  
27 corrections officer of a county sheriff's department or who is  
28 licensed under this act and is a retired corrections officer of a  
29 county sheriff's department, if that individual has received county

1 sheriff approved weapons training.

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

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

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

10 (h) An individual who is licensed under this act and who is  
11 any of the following:

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

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

20 (i) A state court judge or state court retired judge who is  
21 licensed under this act.

22 (j) An individual who is licensed under this act and who is a  
23 court officer.

24 (k) An individual who is licensed under this act and who is a  
25 peace officer.

26 **(l) A qualified retired law enforcement officer.**

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

29 (a) Except as provided in subdivisions (b) and (c), the

1 individual is responsible for a state civil infraction and may be  
2 fined not more than \$500.00. The court shall order the individual's  
3 license to carry a concealed pistol suspended for 6 months.

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

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