

HOUSE BILL NO. 4194

February 14, 2019, Introduced by Reps. VanSingel and Lower 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

and parts of acts inconsistent with this act,"

by amending section 5l (MCL 28.425l), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5l. (1) A license to carry a concealed pistol, including a
 2 renewal license, **issued before January 1, 2016**, is valid until the
 3 applicant's date of birth that falls not less than 4 years or more
 4 than 5 years after the license is issued or renewed, as applicable.
 5 **A license to carry a concealed pistol, including a renewal license,**
 6 **issued on or after January 1, 2016, is valid until the applicant's**
 7 **date of birth that falls not less than 9 years or more than 10**
 8 **years after the license is issued or renewed, as applicable.** The
 9 county clerk shall notify the licensee that his or her license is
 10 about to expire and may be renewed as provided in this section. The
 11 **county clerk shall send the** notification ~~must be sent by the county~~
 12 ~~clerk to the last known address of the licensee as shown on the~~
 13 ~~records of the county clerk . The notification must be sent in a~~
 14 sealed envelope by first-class mail not less than 3 months or more
 15 than 6 months before the expiration date of the current license.
 16 Except as provided in this section, a renewal of a license under
 17 section 5b must be issued in the same manner as an original license
 18 issued under section 5b. An applicant is eligible for a renewal of
 19 a license under this section if his or her license is not expired,
 20 or expired within a 1-year period before the date of application
 21 under this section. Each applicant who submits an application for a
 22 renewal license to a county clerk under this section shall pay an
 23 application and licensing fee of \$115.00 by any method of payment
 24 accepted by that county for payments of other fees and penalties.
 25 No other charge, fee, cost, or assessment, including any local
 26 charge, fee, cost, or assessment, is required of the applicant

1 except as specifically authorized in this act. The applicant shall
2 pay the application and licensing fee to the county. The county
3 treasurer shall deposit \$36.00 of each fee collected under this
4 subsection in the concealed pistol licensing fund of that county
5 created in section 5x. The county treasurer shall forward the
6 balance remaining to the state treasurer. The state treasurer shall
7 deposit the balance of the fee in the general fund to the credit of
8 the department of state police.

9 (2) Subject to subsections ~~(9)~~ **(8)** and ~~(10)~~ **(9)**, an
10 application to renew a license to carry a concealed pistol may be
11 submitted not more than 6 months before the expiration of the
12 current license. ~~No later than December 1, 2018, the~~ **The** department
13 of state police shall provide a system for an applicant to submit
14 his or her application to renew a license to carry a concealed
15 pistol online or by first-class mail and shall accept those
16 applications on behalf of the county clerk as required under this
17 act at no additional charge. Each applicant who submits a renewal
18 license online or by first-class mail to the department of state
19 police under this section shall pay an application and licensing
20 fee of \$115.00 by any method of payment accepted by the department
21 of state police. No other charge, fee, cost, or assessment is
22 required of the applicant except as specifically authorized in this
23 act. The applicant shall pay the application and licensing fee to
24 the state. The state treasurer shall forward \$36.00 of each fee
25 collected under this subsection to the county treasurer who shall
26 deposit the \$36.00 in the concealed pistol licensing fund of that
27 county created in section 5x. The state treasurer shall deposit the
28 balance of the fee in the general fund to the credit of the
29 department of state police. The department of state police shall

1 notify the county clerk of the county in which the applicant
2 resides of a properly submitted online application or application
3 by first-class mail received by the department. If the county clerk
4 issues a renewal license under this section, the county clerk shall
5 send the license to the licensee by first-class mail in a sealed
6 envelope. If the county clerk issues the renewal, the effective
7 date of the renewal license is the date of expiration of the
8 current license or the date of approval or issue of the renewal,
9 whichever is later, and the date of expiration is **one of the**
10 **following:**

11 **(a) For licenses renewed before January 1, 2016, the**
12 applicant's date of birth which is not less than 4 years or more
13 than 5 years from the effective date of the license.

14 **(b) For licenses renewed on or after January 1, 2016, the**
15 applicant's date of birth, which is not less than 9 years or more
16 than 10 years from the effective date of the license.

17 (3) The department of state police shall complete the
18 verification required under section 5b(6) and the county clerk
19 shall issue a renewal license or a notice of statutory
20 disqualification within 30 days after the date the renewal
21 application was received. ~~Beginning on the date the department of~~
22 ~~state police establishes a system under subsection (2), the~~ **The**
23 department of state police shall provide an applicant a digital
24 receipt, or a receipt by first-class mail if requested, for his or
25 her renewal application submitted online at the time the
26 application is received by the department of state police.
27 ~~Beginning on the date the department of state police establishes a~~
28 ~~system under subsection (2), the~~ **The** department of state police
29 shall mail an applicant a receipt by first-class mail for his or

1 her renewal application submitted by first-class mail at the time
 2 the application is received by the department of state police. The
 3 receipt issued under this subsection to an individual applying for
 4 a renewal license whose current license is not expired at the time
 5 of application must contain all of the following:

6 (a) The name of the applicant.

7 (b) The date and time the receipt is issued.

8 (c) The amount paid.

9 (d) The applicant's state-issued driver license or personal
 10 identification card number.

11 (e) The statement "This receipt was issued for the purpose of
 12 renewal of a concealed pistol license. As provided in section 5/ of
 13 1927 PA 372, MCL 28.425/, this receipt shall serve as a concealed
 14 pistol license for the individual named in the receipt when carried
 15 with the expired license and is valid until a license or notice of
 16 statutory disqualification is issued by the county clerk. This
 17 receipt does not exempt the individual named in the receipt from
 18 complying with all applicable laws for the purchase of firearms."

19 (f) The name of the county in which the receipt is issued, if
 20 applicable.

21 (g) An impression of the county seal, if applicable.

22 (4) The receipt issued under subsection (3) to an individual
 23 applying for a renewal license whose license is expired must
 24 contain all of the following:

25 (a) The name of the applicant.

26 (b) The date and time the receipt is issued.

27 (c) The amount paid.

28 (d) The applicant's state-issued driver license or personal
 29 identification card number.

1 (e) The statement "This receipt was issued for the purpose of
2 renewal of a concealed pistol license. As provided in section 51 of
3 1927 PA 372, MCL 28.4251, if a license or notice of statutory
4 disqualification is not issued within 30 days after the date this
5 receipt was issued, this receipt shall serve as a concealed pistol
6 license for the individual named in the receipt when carried with
7 an official state-issued driver license or personal identification
8 card. The receipt is valid as a license until a license or a notice
9 of statutory disqualification is issued by the county clerk. This
10 receipt does not exempt the individual named in the receipt from
11 complying with all applicable laws for the purchase of firearms."

12 ~~(5) Until November 30, 2018, a member of the United States
13 Armed Forces, the United States Armed Forces Reserve, or the
14 Michigan National Guard who is on orders to a duty station outside
15 of this state may submit his or her application to renew a license
16 to carry a concealed pistol by first class mail, containing the
17 required fee, a notarized application, the licensee's address of
18 record within the state, the licensee's orders to report to a duty
19 station outside of this state, and if the licensee desires to have
20 his or her application receipt, renewal license, or any other
21 notices mailed to his or her address of assignment or deployment, a
22 letter requesting that action including the address of assignment
23 or deployment. If the county clerk issues a renewal license under
24 this section, the county clerk shall send the license to the
25 licensee by first class mail in a sealed envelope. If the licensee
26 is a member of the United States Armed Forces, the United States
27 Armed Forces Reserve, or the Michigan National Guard who is on
28 orders to a duty station outside of this state and requests that
29 his or her license be sent to the address of assignment or~~

1 ~~deployment, the county clerk shall mail the license to the licensee~~
2 ~~at the address of assignment or deployment provided in the renewal~~
3 ~~application. Until November 30, 2018, if a renewal application is~~
4 ~~submitted by a member of the United States Armed Forces, the United~~
5 ~~States Armed Forces Reserve, or the Michigan National Guard who is~~
6 ~~on orders to a duty station outside of this state, the county clerk~~
7 ~~shall mail a receipt to the licensee by first-class mail.~~

8 **(5)** ~~(6)~~—If an individual applies for a renewal license before
9 the expiration of his or her license, the expiration date of the
10 current license is extended until the renewal license or notice of
11 statutory disqualification is issued. The county clerk shall notify
12 the department of state police in a manner prescribed by the
13 department of state police after he or she receives an application
14 for renewal. The department of state police shall immediately enter
15 into the law enforcement information network the date that
16 application for renewal was submitted and that the renewal
17 application is pending.

18 **(6)** ~~(7)~~—A person carrying a concealed pistol after the
19 expiration date of his or her license under an extension under
20 subsection ~~(6)~~—**(5)** shall keep the receipt issued by the county
21 clerk under subsection (3) and his or her expired license in his or
22 her possession at all times that he or she is carrying the pistol.
23 For the purposes of this act, the receipt is considered to be part
24 of the license to carry a concealed pistol until a renewal license
25 is issued or denied or a notice of statutory disqualification is
26 issued.

27 **(7)** ~~(8)~~—The educational requirements under section 5b(7)(c)
28 are waived for an applicant who is a retired police officer or
29 retired law enforcement officer.

1 **(8)** ~~(9)~~—The educational requirements under section 5b(7) (c)
2 for an applicant who is applying for a renewal of a license under
3 this act are waived except that the applicant shall certify that he
4 or she has completed at least 3 hours' review of the training
5 described under section 5b(7) (c) and has had at least 1 hour of
6 firing range time in the 6 months immediately preceding the
7 subsequent application. The educational and firing range
8 requirements of this subsection are met if the applicant certifies
9 on the renewal application form that he or she has complied with
10 the requirements of this subsection. An applicant is not required
11 to verify the statements made under this subsection and is not
12 required to obtain a certificate or undergo training other than as
13 required by this subsection.

14 **(9)** ~~(10)~~—An applicant who is applying for a renewal of a
15 license issued under section 5b is not required to have
16 fingerprints taken again under section 5b(9) if all of the
17 following conditions have been met:

18 (a) There has been established a system for the department of
19 state police to save and maintain in its automated fingerprint
20 identification system (AFIS) database all fingerprints that are
21 submitted to the department of state police under section 5b.

22 (b) The applicant's fingerprints have been submitted to and
23 maintained by the department of state police as described in
24 subdivision (a) for ongoing comparison with the automated
25 fingerprint identification system (AFIS) database.