

HOUSE BILL NO. 5098

October 15, 2019, Introduced by Reps. Paquette, Alexander, Miller, Leutheuser, Steven Johnson, Hoitenga, Maddock and LaFave 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



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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, is valid until the applicant's date of birth that
3 falls not less than 4 years or more than 5 years after the license
4 is issued or renewed, as applicable. The county clerk shall notify
5 the licensee that his or her license is about to expire and may be
6 renewed as provided in this section. The notification must be sent
7 by the county clerk to the last known address of the licensee as
8 shown on the records of the county clerk. The notification must be
9 sent in a sealed envelope by first-class mail not less than 3
10 months or more than 6 months before the expiration date of the
11 current license. Except as provided in this section, a renewal of a
12 license under section 5b must be issued in the same manner as an
13 original license issued under section 5b. An applicant is eligible
14 for a renewal of a license under this section if his or her license
15 is not expired, or expired within a 1-year period before the date
16 of application under this section. ~~Each applicant who submits an~~
17 ~~application for a renewal license to a county clerk under this~~
18 ~~section shall pay an application and licensing fee of \$115.00 by~~
19 ~~any method of payment accepted by that county for payments of other~~
20 ~~fees and penalties. 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 \$36.00 of each fee~~
25 ~~collected under this subsection in the concealed pistol licensing~~
26 ~~fund of that county created in section 5x. The county treasurer~~



1 ~~shall forward the balance remaining to the state treasurer. The~~
 2 ~~state treasurer shall deposit the balance of the fee in the general~~
 3 ~~fund to the credit of the department of state police.~~

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



1 envelope. If the county clerk issues the renewal, the effective
 2 date of the renewal license is the date of expiration of the
 3 current license or the date of approval or issue of the renewal,
 4 whichever is later, and the date of expiration is the applicant's
 5 date of birth which is not less than 4 years or more than 5 years
 6 from the effective date of the license.

7 (3) The department of state police shall complete the
 8 verification required under section 5b(6) and the county clerk
 9 shall issue a renewal license or a notice of statutory
 10 disqualification within 30 days after the date the renewal
 11 application was received. ~~Beginning on the date the department of~~
 12 ~~state police establishes a system under subsection (2), the~~ **The**
 13 department of state police shall provide an applicant a digital
 14 receipt, or a receipt by first-class mail if requested, for his or
 15 her renewal application submitted online at the time the
 16 application is received by the department of state police.
 17 ~~Beginning on the date the department of state police establishes a~~
 18 ~~system under subsection (2), the~~ **The** department of state police
 19 shall mail an applicant a receipt by first-class mail for his or
 20 her renewal application submitted by first-class mail at the time
 21 the application is received by the department of state police. The
 22 receipt issued under this subsection to an individual applying for
 23 a renewal license whose current license is not expired at the time
 24 of application must 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 **(c)** ~~(d)~~ The applicant's state-issued driver license or
 29 personal identification card number.



1 **(d)** ~~(e)~~—The statement "This receipt was issued for the purpose
2 of renewal of a concealed pistol license. As provided in section 5/
3 of 1927 PA 372, MCL 28.425/, this receipt shall serve as a concealed
4 pistol license for the individual named in the receipt when carried
5 with the expired license and is valid until a license or notice of
6 statutory disqualification is issued by the county clerk. This
7 receipt does not exempt the individual named in the receipt from
8 complying with all applicable laws for the purchase of firearms.".

9 **(e)** ~~(f)~~—The name of the county in which the receipt is issued,
10 if applicable.

11 **(f)** ~~(g)~~—An impression of the county seal, if applicable.

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

15 (a) The name of the applicant.

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

17 ~~(c) The amount paid.~~

18 **(c)** ~~(d)~~—The applicant's state-issued driver license or
19 personal identification card number.

20 **(d)** ~~(e)~~—The statement "This receipt was issued for the purpose
21 of renewal of a concealed pistol license. As provided in section 5/
22 of 1927 PA 372, MCL 28.425/, if a license or notice of statutory
23 disqualification is not issued within 30 days after the date this
24 receipt was issued, this receipt shall serve as a concealed pistol
25 license for the individual named in the receipt when carried with
26 an official state-issued driver license or personal identification
27 card. The receipt is valid as a license until a license or a notice
28 of statutory disqualification is issued by the county clerk. This
29 receipt does not exempt the individual named in the receipt from



1 complying with all applicable laws for the purchase of firearms.".

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

27 **(5)** ~~(6)~~—If an individual applies for a renewal license before
 28 the expiration of his or her license, the expiration date of the
 29 current license is extended until the renewal license or notice of



1 statutory disqualification is issued. The county clerk shall notify
2 the department of state police in a manner prescribed by the
3 department of state police after he or she receives an application
4 for renewal. The department of state police shall immediately enter
5 into the law enforcement information network the date that
6 application for renewal was submitted and that the renewal
7 application is pending.

8 **(6)** ~~(7)~~—A person carrying a concealed pistol after the
9 expiration date of his or her license under an extension under
10 subsection ~~(6)~~—**(5)** shall keep the receipt issued by the county
11 clerk under subsection (3) and his or her expired license in his or
12 her possession at all times that he or she is carrying the pistol.
13 For the purposes of this act, the receipt is considered to be part
14 of the license to carry a concealed pistol until a renewal license
15 is issued or denied or a notice of statutory disqualification is
16 issued.

17 **(7)** ~~(8)~~—The educational requirements under section 5b(7)(c)
18 are waived for an applicant who is a retired police officer or
19 retired law enforcement officer.

20 **(8)** ~~(9)~~—The educational requirements under section 5b(7)(c)
21 for an applicant who is applying for a renewal of a license under
22 this act are waived except that the applicant shall certify that he
23 or she has completed at least 3 hours' review of the training
24 described under section 5b(7)(c) and has had at least 1 hour of
25 firing range time in the 6 months immediately preceding the
26 subsequent application. The educational and firing range
27 requirements of this subsection are met if the applicant certifies
28 on the renewal application form that he or she has complied with
29 the requirements of this subsection. An applicant is not required



1 to verify the statements made under this subsection and is not
2 required to obtain a certificate or undergo training other than as
3 required by this subsection.

4 (9) ~~(10)~~—An applicant who is applying for a renewal of a
5 license issued under section 5b is not required to have
6 fingerprints taken again under section 5b(9) if all of the
7 following conditions have been met:

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

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

