

HOUSE BILL NO. 5873

March 03, 2022, Introduced by Reps. Markkanen, Eisen, LaFave, Berman and Borton 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 5b, 5c, and 5l (MCL 28.425b, 28.425c, and 28.425l), sections 5b and 5l as amended by 2017 PA 95 and section 5c as amended by 2015 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 14 application under this subsection is considered withdrawn if an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

1 a concealed pistol license and for obtaining fingerprints related
2 to that application. This receipt does not authorize an individual
3 to carry a concealed pistol in this state.". The application must
4 contain all of the following:

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

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

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

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

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

20 (i) Any felony.

21 (ii) A misdemeanor listed under subsection (7)(h) if the
22 applicant was convicted of that misdemeanor in the 8 years
23 immediately preceding the date of the application, or a misdemeanor
24 listed under subsection (7)(i) if the applicant was convicted of
25 that misdemeanor in the 3 years immediately preceding the date of
26 the application.

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

29 (g) If an applicant does not have a digitized photograph on

1 file with the secretary of state, a passport-quality photograph of
2 the applicant provided by the applicant at the time of application.

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

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

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

18 (4) The county clerk shall retain a copy of each application
19 for a license to carry a concealed pistol as an official record.
20 One year after the expiration of a concealed pistol license, the
21 county clerk may destroy the record and a name index of the record
22 ~~shall~~**must** be maintained in the database created in section 5e.

23 (5) Each applicant shall pay a nonrefundable application and
24 licensing fee of \$100.00 by any method of payment accepted by that
25 county for payments of other fees and penalties. Except as provided
26 in subsection (9), no other charge, fee, cost, or assessment,
27 including any local charge, fee, cost, or assessment, is required
28 of the applicant except as specifically authorized in this act. The
29 applicant shall pay the application and licensing fee to the

1 county. The county treasurer shall deposit \$26.00 of each
2 application and licensing fee collected under this section in the
3 concealed pistol licensing fund of that county created in section
4 5x. The county treasurer shall forward the balance remaining to the
5 state treasurer. The state treasurer shall deposit the balance of
6 the fee in the general fund to the credit of the department of
7 state police. The department of state police shall use the money
8 received under this act to process the fingerprints and to
9 reimburse the Federal Bureau of Investigation for the costs
10 associated with processing fingerprints submitted under this act.
11 The balance of the money received under this act must be credited
12 to the department of state police.

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

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

23 (a) The applicant is 21 years of age or older **or if the**
24 **applicant is applying for a provisional license, the applicant is**
25 **at least 18 years old but less than 21 years old.**

26 (b) The applicant is a citizen of the United States or is an
27 alien lawfully admitted into the United States, is a legal resident
28 of this state, and has resided in this state for not less than the
29 6 months immediately preceding the date of application. The county

1 clerk shall waive the 6-month residency requirement for an
2 emergency license under section 5a(4) if the applicant is a
3 petitioner for a personal protection order issued under section
4 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
5 MCL 600.2950 and 600.2950a, or if the county sheriff determines
6 that there is clear and convincing evidence to believe that the
7 safety of the applicant or the safety of a member of the
8 applicant's family or household is endangered by the applicant's
9 inability to immediately obtain a license to carry a concealed
10 pistol. If the applicant holds a valid concealed pistol license
11 issued by another state at the time the applicant's residency in
12 this state is established, the county clerk shall waive the 6-month
13 residency requirement and the applicant may apply for a concealed
14 pistol license at the time the applicant's residency in this state
15 is established. For the purposes of this section, an individual is
16 considered a legal resident of this state if any of the following
17 apply:

18 (i) The individual has a valid, lawfully obtained driver
19 license issued under the Michigan vehicle code, 1949 PA 300, MCL
20 257.1 to 257.923, or official state personal identification card
21 issued under 1972 PA 222, MCL 28.291 to 28.300.

22 (ii) The individual is lawfully registered to vote in this
23 state.

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

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

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

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

8 (i) Section 464a of the mental health code, 1974 PA 258, MCL
9 330.1464a.

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

12 (iii) Sections 2950 and 2950a of the revised judicature act of
13 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

14 (iv) Section 6b of chapter V of the code of criminal procedure,
15 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
16 section 6b(3) of chapter V of the code of criminal procedure, 1927
17 PA 175, MCL 765.6b.

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

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

25 (f) Based solely on the report received from the department of
26 state police under subsection (6), the applicant has never been
27 convicted of a felony in this state or elsewhere, and a felony
28 charge against the applicant is not pending in this state or
29 elsewhere at the time he or she applies for a license described in

1 this section.

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

4 (h) Based solely on the report received from the department of
5 state police under subsection (6), the applicant has not been
6 convicted of a misdemeanor violation of any of the following in the
7 8 years immediately preceding the date of application and a charge
8 for a misdemeanor violation of any of the following is not pending
9 against the applicant in this state or elsewhere at the time he or
10 she applies for a license described in this section:

11 (i) Section 617a (failing to stop when involved in a personal
12 injury accident), section 625 as punishable under subsection (9) (b)
13 of that section (operating while intoxicated, second offense),
14 section 625m as punishable under subsection (4) of that section
15 (operating a commercial vehicle with alcohol content, second
16 offense), section 626 (reckless driving), or a violation of section
17 904(1) (operating while license suspended or revoked, second or
18 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
19 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

27 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
28 290.650 (hindering, obstructing, assaulting, or committing bodily
29 injury upon director or authorized representative).

1 (v) Section 80176 as punishable under section 80177(1)(b)
2 (operating vessel under the influence of intoxicating liquor or a
3 controlled substance, second offense), section 81134 as punishable
4 under subsection (8)(b) of that section (operating ORV under the
5 influence of intoxicating liquor or a controlled substance, second
6 or subsequent offense), or section 82127 as punishable under
7 section 82128(1)(b) (operating snowmobile under the influence of
8 intoxicating liquor or a controlled substance, second offense) of
9 the natural resources and environmental protection act, 1994 PA
10 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

11 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
12 333.7403 (possession of controlled substance, controlled substance
13 analogue, or prescription form).

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

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

20 (ix) Section 81 (assault or domestic assault), section 81a(1)
21 or (2) (aggravated assault or aggravated domestic assault), section
22 115 (breaking and entering or entering without breaking), section
23 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
24 abuse), section 157b(3)(b) (solicitation to commit a felony),
25 section 215 (impersonating peace officer or medical examiner),
26 section 223 (illegal sale of a firearm or ammunition), section 224d
27 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
28 ~~or possession of a switchblade)~~, section 227c (improper
29 transportation of a loaded firearm), section 229 (accepting a

1 pistol in pawn), section 232a (improperly obtaining a pistol,
 2 making a false statement on an application to purchase a pistol, or
 3 using false identification to purchase a pistol), section 233
 4 (intentionally aiming a firearm without malice), section 234
 5 (intentionally discharging a firearm aimed without malice), section
 6 234d (possessing a firearm on prohibited premises), section 234e
 7 (brandishing a firearm in public), section 234f (possession of a
 8 firearm by an individual less than 18 years of age), section 235
 9 (intentionally discharging a firearm aimed without malice causing
 10 injury), section 235a (parent of a minor who possessed a firearm in
 11 a weapon free school zone), section 236 (setting a spring gun or
 12 other device), section 237 (possessing a firearm while under the
 13 influence of intoxicating liquor or a controlled substance),
 14 section 237a (weapon free school zone violation), section 335a
 15 (indecent exposure), section 411h (stalking), or section 520e
 16 (fourth degree criminal sexual conduct) of the Michigan penal code,
 17 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 18 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,
 19 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
 20 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 21 750.520e.

22 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 23 ~~328.~~

24 **(x)** ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a
 25 firearm resulting in injury or death), section 2 (careless,
 26 reckless, or negligent use of a firearm resulting in property
 27 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 28 45, MCL 752.861, 752.862, and 752.863a.

29 **(xi)** ~~(xii)~~ A violation of a law of the United States, another

1 state, or a local unit of government of this state or another state
2 substantially corresponding to a violation described in
3 subparagraphs (i) to ~~(xi)~~-(x) .

4 (i) Based solely on the report received from the department of
5 state police under subsection (6), the applicant has not been
6 convicted of a misdemeanor violation of any of the following in the
7 3 years immediately preceding the date of application unless the
8 misdemeanor violation is listed under subdivision (h) and a charge
9 for a misdemeanor violation of any of the following is not pending
10 against the applicant in this state or elsewhere at the time he or
11 she applies for a license described in this section:

12 (i) Section 625 (operating under the influence), section 625a
13 (refusal of commercial vehicle operator to submit to a chemical
14 test), section 625k (ignition interlock device reporting
15 violation), section 625l (circumventing an ignition interlock
16 device), or section 625m punishable under subsection (3) of that
17 section (operating a commercial vehicle with alcohol content) of
18 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
19 257.625k, 257.625l, and 257.625m.

20 (ii) Section 185 of the aeronautics code of the state of
21 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
22 influence).

23 (iii) Section 81134 (operating ORV under the influence or
24 operating ORV while visibly impaired), or section 82127 (operating
25 a snowmobile under the influence) of the natural resources and
26 environmental protection act, 1994 PA 451, MCL 324.81134 and
27 324.82127.

28 (iv) Part 74 of the public health code, 1978 PA 368, MCL
29 333.7401 to 333.7461 (controlled substance violation).

1 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
2 462.353, punishable under subsection (3) of that section (operating
3 locomotive under the influence).

4 (vi) Section 167 (disorderly person), section 174
5 (embezzlement), section 218 (false pretenses with intent to
6 defraud), section 356 (larceny), section 356d (second degree retail
7 fraud), section 359 (larceny from a vacant building or structure),
8 section 362 (larceny by conversion), section 362a (larceny -
9 defrauding lessor), section 377a (malicious destruction of
10 property), section 380 (malicious destruction of real property),
11 section 535 (receiving or concealing stolen property), or section
12 540e (malicious use of telecommunications service or device) of the
13 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
14 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
15 750.535, and 750.540e.

16 (vii) A violation of a law of the United States, another state,
17 or a local unit of government of this state or another state
18 substantially corresponding to a violation described in
19 subparagraphs (i) to (vi).

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

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

29 (l) The applicant has filed a statement under subsection (1) (d)

1 that the applicant does not have a diagnosis of mental illness that
2 includes an assessment that the individual presents a danger to
3 himself or herself or to another at the time the application is
4 made, regardless of whether he or she is receiving treatment for
5 that illness.

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

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

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

22 (9) An individual, after submitting an application and paying
23 the fee prescribed under subsection (5), shall request that
24 classifiable fingerprints be taken by a county clerk, the
25 department of state police, a county sheriff, a local police
26 agency, or other entity, if the county clerk, department of state
27 police, county sheriff, local police agency, or other entity
28 provides fingerprinting capability for the purposes of this act. An
29 individual who has had classifiable fingerprints taken under

1 section 5a(4) does not need additional fingerprints taken under
2 this subsection. If the individual requests that classifiable
3 fingerprints be taken by the county clerk, department of state
4 police, county sheriff, a local police agency, or other entity, the
5 individual shall also pay a fee of \$15.00 by any method of payment
6 accepted for payments of other fees and penalties. A county clerk
7 shall deposit any fee it accepts under this subsection in the
8 concealed pistol licensing fund of that county created in section
9 5x. The county clerk, department of state police, county sheriff,
10 local police agency, or other entity shall take the fingerprints
11 within 5 business days after the request. County clerks, the
12 department of state police, county sheriffs, local police agencies,
13 and other entities shall provide reasonable access to
14 fingerprinting services during normal business hours as is
15 necessary to comply with the requirements of this act if the county
16 clerk, department of state police, county sheriff, local police
17 agency, or other entity provides fingerprinting capability for the
18 purposes of this act. The entity providing fingerprinting services
19 shall issue the individual a receipt at the time his or her
20 fingerprints are taken. The county clerk, department of state
21 police, county sheriff, local police agency, or other entity shall
22 not provide a receipt under this subsection unless the individual
23 requesting the fingerprints provides an application receipt
24 received under subsection (1). A receipt under this subsection must
25 contain all of the following:

- 26 (a) The name of the individual.
- 27 (b) The date and time the receipt is issued.
- 28 (c) The amount paid.
- 29 (d) The name of the entity providing the fingerprint services.

1 (e) The individual's state-issued driver license or personal
2 identification card number.

3 (f) The statement "This receipt was issued for the purpose of
4 applying for a concealed pistol license. As provided in section 5b
5 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
6 disqualification is not issued within 45 days after the date this
7 receipt was issued, this receipt ~~shall serve~~ **serves** as a concealed
8 pistol license for the individual named in the receipt when carried
9 with an official state-issued driver license or personal
10 identification card. The receipt is valid as a license until a
11 license or notice of statutory disqualification is issued by the
12 county clerk. This receipt does not exempt the individual named in
13 the receipt from complying with all applicable laws for the
14 purchase of firearms."

15 (10) The fingerprints must be taken, under subsection (9), in
16 a manner prescribed by the department of state police. The county
17 clerk, county sheriff, local police agency, or other entity shall
18 immediately forward the fingerprints taken by that entity to the
19 department of state police for comparison with fingerprints already
20 on file with the department of state police. The department of
21 state police shall immediately forward the fingerprints to the
22 Federal Bureau of Investigation. Within 5 business days after
23 completing the verification under subsection (6), the department
24 shall send the county clerk a list of an individual's statutory
25 disqualifications under this act. Except as provided in section
26 5a(4), the county clerk shall not issue a concealed pistol license
27 until he or she receives the report of statutory disqualifications
28 prescribed in this subsection. If an individual's fingerprints are
29 not classifiable, the department of state police shall, at no

1 charge, take the individual's fingerprints again or provide for the
2 comparisons under this subsection to be conducted through
3 alternative means. The county clerk shall not issue a notice of
4 statutory disqualification because an individual's fingerprints are
5 not classifiable by the Federal Bureau of Investigation.

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

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

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

1 surrender the license indicating that the individual is exempt from
2 the prohibitions against carrying a concealed pistol on premises
3 described in section 5o and obtain a replacement license after
4 paying the fee required under subsection (15). If the county clerk
5 issues a notice of statutory disqualification, the county clerk
6 shall within 5 business days do all of the following:

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

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

11 (ii) The source of the record for each statutory
12 disqualification identified.

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

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

18 (c) Inform the individual that he or she should contact the
19 source of the record for any statutory disqualification to correct
20 any errors in the record resulting in the statutory
21 disqualification.

22 (14) If a license or notice of statutory disqualification is
23 not issued under subsection (13) within 45 days after the date the
24 individual has classifiable fingerprints taken under subsection
25 (9), the receipt issued under subsection (9) serves as a concealed
26 pistol license for purposes of this act when carried with a state-
27 issued driver license or personal identification card and is valid
28 until a license or notice of statutory disqualification is issued
29 by the county clerk.

1 (15) If an individual licensed under this act to carry a
2 concealed pistol moves to a different county within this state, his
3 or her license remains valid until it expires or is otherwise
4 suspended or revoked under this act. An individual may notify a
5 county clerk that he or she has moved to a different address within
6 this state for the purpose of receiving the notice under section
7 5/(1). A license to carry a concealed pistol that is lost, stolen,
8 defaced, or replaced for any other reason may be replaced by the
9 issuing county clerk for a replacement fee of \$10.00. A county
10 clerk shall deposit a replacement fee under this subsection in the
11 concealed pistol licensing fund of that county created in section
12 5x.

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

27 (17) An applicant or an individual licensed under this act to
28 carry a concealed pistol may be furnished a copy of his or her
29 application under this section upon request and the payment of a

1 reasonable fee not to exceed \$1.00. The county clerk shall deposit
2 any fee collected under this subsection in the concealed pistol
3 licensing fund of that county created in section 5x.

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

8 (19) A county clerk issuing an initial license or renewal
9 license under this act shall mail the license to the licensee by
10 first-class mail in a sealed envelope. Upon payment of the fee
11 under subsection (15), a county clerk shall issue a replacement
12 license in person at the time of application for a replacement
13 license. A county clerk may also deliver a replacement license by
14 first-class mail if the individual submits to the clerk a written
15 request and a copy of the individual's state-issued driver license
16 or personal identification card.

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

22 (21) An individual licensed under this act to carry a
23 concealed pistol may voluntarily surrender that license without
24 explanation. A county clerk shall retain a surrendered license as
25 an official record for 1 year after the license is surrendered. If
26 an individual voluntarily surrenders a license under this
27 subsection, the county clerk shall notify the department of state
28 police. The department of state police shall enter into the law
29 enforcement information network that the license was voluntarily

1 surrendered and the date the license was voluntarily surrendered.

2 (22) As used in this section:

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

4 (i) For a retired police officer or retired law enforcement
5 officer, the officer's retired identification or a letter from a
6 law enforcement agency stating that the retired police officer or
7 law enforcement officer retired in good standing.

8 (ii) For an individual who is employed or contracted by an
9 entity described under section 5o(1) to provide security services,
10 a letter from that entity stating that the employee is required by
11 his or her employer or the terms of a contract to carry a concealed
12 firearm on the premises of the employing or contracting entity and
13 his or her employee identification.

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

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

22 (v) For an individual who is a retired corrections officer of
23 a county sheriff's department, a letter from the county sheriff's
24 office stating that the retired corrections officer retired in good
25 standing and that the individual has received county sheriff
26 approved weapons training.

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

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

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

6 (ix) For an individual who is a parole, probation, or
7 corrections officer, or absconder recovery unit member, of the
8 department of corrections, his or her employee identification and
9 proof that the individual obtained a Michigan department of
10 corrections weapons permit.

11 (x) For an individual who is a retired parole, probation, or
12 corrections officer, or retired absconder recovery unit member, of
13 the department of corrections, a letter from the department of
14 corrections stating that the retired parole, probation, or
15 corrections officer, or retired absconder recovery unit member,
16 retired in good standing and proof that the individual obtained a
17 Michigan department of corrections weapons permit.

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

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

23 (xiii) For a retired federal law enforcement officer, the
24 identification required under the law enforcement officers safety
25 act or a letter from a law enforcement agency stating that the
26 retired federal law enforcement officer retired in good standing.

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

29 (b) "Convicted" means a final conviction, the payment of a

1 fine, a plea of guilty or nolo contendere if accepted by the court,
 2 or a finding of guilt for a criminal law violation or a juvenile
 3 adjudication or disposition by the juvenile division of probate
 4 court or family division of circuit court for a violation that if
 5 committed by an adult would be a crime.

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

17 (e) "Misdemeanor" means a violation of a penal law of this
 18 state or violation of a local ordinance substantially corresponding
 19 to a violation of a penal law of this state that is not a felony or
 20 a violation of an order, rule, or regulation of a state agency that
 21 is punishable by imprisonment or a fine that is not a civil fine,
 22 or both.

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

26 Sec. 5c. (1) A license to carry a concealed pistol ~~shall~~**must**
 27 be in a form, with the same dimensions as a Michigan operator
 28 license, prescribed by the department of state police. ~~Beginning~~
 29 ~~December 1, 2015, the~~**The** license ~~shall~~**must** be constructed of

1 plastic laminated paper or hard plastic. ~~No~~**A county clerk shall**
 2 **not charge an** additional fee ~~shall be charged~~ for the license
 3 unless otherwise prescribed in this act. A **county clerk may charge**
 4 **a** fee not to exceed \$10.00 ~~may be charged~~ for an optional hard
 5 plastic license only if the county clerk also provides the option
 6 of obtaining a plastic laminated paper license at no charge. A
 7 county clerk shall deposit a fee collected under this subsection in
 8 the concealed pistol licensing fund of that county created in
 9 section 5x. The license ~~shall~~**must** contain all of the following:

- 10 (a) The licensee's full name and date of birth.
- 11 (b) A photograph and a physical description of the licensee.
- 12 (c) A statement of the effective dates of the license.
- 13 (d) An indication of exceptions authorized by this act
 14 applicable to the licensee.
- 15 (e) The licensee's state-issued driver license or personal
 16 identification card number.
- 17 (f) The premises on which carrying a concealed pistol is
 18 prohibited under section 5o.
- 19 (g) The peace officer disclosure required under section 5f(3).
- 20 (h) An indication whether the license is a duplicate, ~~or~~ an
 21 emergency license, **or a provisional license**.
- 22 (i) If the license is an emergency license, an indication that
 23 the emergency license does not exempt the individual from complying
 24 with all applicable laws for the purchase of firearms.
- 25 (2) The department of state police or a county clerk shall not
 26 require a licensee's signature to appear on a license to carry a
 27 concealed pistol.
- 28 (3) Subject to section 5o and except as otherwise provided by
 29 law, a license to carry a concealed pistol issued by the county

1 clerk authorizes the licensee to do all of the following:

2 (a) Carry a pistol concealed on or about his or her person
3 anywhere in this state.

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

6 (4) The secretary of state shall make a digitized photograph
7 taken of the applicant for a driver license or personal
8 identification card available to the department for use under this
9 act. The department shall provide the photograph of the applicant
10 received from the secretary of state to the county clerk who shall
11 use the photograph on the individual's license unless the applicant
12 does not have a digitized photograph on file with the secretary of
13 state. If an applicant does not have a digitized photograph on file
14 with the secretary of state, the applicant shall provide a
15 passport-quality photograph of the applicant as provided under
16 section 5b(1).

17 Sec. 5l. (1) ~~A~~ **Except for a provisional license, a** license to
18 carry a concealed pistol, including a renewal license, is valid
19 until the applicant's date of birth that falls not less than 4
20 years or more than 5 years after the license is issued or renewed,
21 as applicable. **A provisional license is valid only until the**
22 **applicant turns 21 years old.** The county clerk shall notify the
23 licensee that his or her license is about to expire and may be
24 renewed as provided in this section. The **county clerk shall send**
25 **the** notification ~~must be sent by the county clerk to~~ the last known
26 address of the licensee as shown on the records of the county clerk
27 ~~. The notification must be sent in a sealed envelope by first-class~~
28 mail not less than 3 months or more than 6 months before the
29 expiration date of the current license. Except as provided in this

1 section, a renewal of a license under section 5b must be issued in
 2 the same manner as an original license issued under section 5b. An
 3 applicant is eligible for a renewal of a license under this section
 4 if his or her license is not expired, or expired within a 1-year
 5 period before the date of application under this section. Each
 6 applicant who submits an application for a renewal license to a
 7 county clerk under this section shall pay an application and
 8 licensing fee of \$115.00 by any method of payment accepted by that
 9 county for payments of other fees and penalties. No other charge,
 10 fee, cost, or assessment, including any local charge, fee, cost, or
 11 assessment, is required of the applicant except as specifically
 12 authorized in this act. The applicant shall pay the application and
 13 licensing fee to the county. The county treasurer shall deposit
 14 \$36.00 of each fee collected under this subsection in the concealed
 15 pistol licensing fund of that county created in section 5x. The
 16 county treasurer shall forward the balance remaining to the state
 17 treasurer. The state treasurer shall deposit the balance of the fee
 18 in the general fund to the credit of the department of state
 19 police.

20 (2) Subject to subsections ~~(9)~~ **(8)** and ~~(10)~~, **(9)**, an
 21 application to renew a license to carry a concealed pistol may be
 22 submitted not more than 6 months before the expiration of the
 23 current license. ~~No later than December 1, 2018, the~~ **The** department
 24 of state police shall provide a system for an applicant to submit
 25 his or her application to renew a license to carry a concealed
 26 pistol online or by first-class mail and shall accept those
 27 applications on behalf of the county clerk as required under this
 28 act at no additional charge. Each applicant who submits a renewal
 29 license online or by first-class mail to the department of state

1 police under this section shall pay an application and licensing
2 fee of \$115.00 by any method of payment accepted by the department
3 of state police. No other charge, fee, cost, or assessment is
4 required of the applicant except as specifically authorized in this
5 act. The applicant shall pay the application and licensing fee to
6 the state. The state treasurer shall forward \$36.00 of each fee
7 collected under this subsection to the county treasurer who shall
8 deposit the \$36.00 in the concealed pistol licensing fund of that
9 county created in section 5x. The state treasurer shall deposit the
10 balance of the fee in the general fund to the credit of the
11 department of state police. The department of state police shall
12 notify the county clerk of the county in which the applicant
13 resides of a properly submitted online application or application
14 by first-class mail received by the department. If the county clerk
15 issues a renewal license under this section, the county clerk shall
16 send the license to the licensee by first-class mail in a sealed
17 envelope. If the county clerk issues the renewal, the effective
18 date of the renewal license is the date of expiration of the
19 current license or the date of approval or issue of the renewal,
20 whichever is later, and the date of expiration is the applicant's
21 date of birth which is not less than 4 years or more than 5 years
22 ~~from~~**after** the effective date of the license.

23 (3) The department of state police shall complete the
24 verification required under section 5b(6) and the county clerk
25 shall issue a renewal license or a notice of statutory
26 disqualification within 30 days after the date the renewal
27 application was received. Beginning on the date the department of
28 state police establishes a system under subsection (2), the
29 department of state police shall provide an applicant a digital

1 receipt, or a receipt by first-class mail if requested, for his or
2 her renewal application submitted online at the time the
3 application is received by the department of state police.

4 Beginning on the date the department of state police establishes a
5 system under subsection (2), the department of state police shall
6 mail an applicant a receipt by first-class mail for his or her
7 renewal application submitted by first-class mail at the time the
8 application is received by the department of state police. The
9 receipt issued under this subsection to an individual applying for
10 a renewal license whose current license is not expired at the time
11 of application must contain all of the following:

12 (a) The name of the applicant.

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

14 (c) The amount paid.

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

17 (e) The statement "This receipt was issued for the purpose of
18 renewal of a concealed pistol license. As provided in section 51 of
19 1927 PA 372, MCL 28.4251, this receipt shall serve as a concealed
20 pistol license for the individual named in the receipt when carried
21 with the expired license and is valid until a license or notice of
22 statutory disqualification is issued by the county clerk. This
23 receipt does not exempt the individual named in the receipt from
24 complying with all applicable laws for the purchase of firearms."

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

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

28 (4) The receipt issued under subsection (3) to an individual
29 applying for a renewal license whose license is expired must

1 contain all of the following:

2 (a) The name of the applicant.

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

4 (c) The amount paid.

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

7 (e) The statement "This receipt was issued for the purpose of
8 renewal of a concealed pistol license. As provided in section 5/ of
9 1927 PA 372, MCL 28.425/, if a license or notice of statutory
10 disqualification is not issued within 30 days after the date this
11 receipt was issued, this receipt shall serve as a concealed pistol
12 license for the individual named in the receipt when carried with
13 an official state-issued driver license or personal identification
14 card. The receipt is valid as a license until a license or a notice
15 of statutory disqualification is issued by the county clerk. This
16 receipt does not exempt the individual named in the receipt from
17 complying with all applicable laws for the purchase of firearms.".

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

1 ~~this section, the county clerk shall send the license to the~~
2 ~~licensee by first-class mail in a sealed envelope. If the licensee~~
3 ~~is a member of the United States Armed Forces, the United States~~
4 ~~Armed Forces Reserve, or the Michigan National Guard who is on~~
5 ~~orders to a duty station outside of this state and requests that~~
6 ~~his or her license be sent to the address of assignment or~~
7 ~~deployment, the county clerk shall mail the license to the licensee~~
8 ~~at the address of assignment or deployment provided in the renewal~~
9 ~~application. Until November 30, 2018, if a renewal application is~~
10 ~~submitted by a member of the United States Armed Forces, the United~~
11 ~~States Armed Forces Reserve, or the Michigan National Guard who is~~
12 ~~on orders to a duty station outside of this state, the county clerk~~
13 ~~shall mail a receipt to the licensee by first-class mail.~~

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

24 (6) ~~(7) A person~~ **An individual** carrying a concealed pistol
25 after the expiration date of his or her license under an extension
26 under subsection ~~(6)~~ **(5)** shall keep the receipt issued by the
27 county clerk under subsection (3) and his or her expired license in
28 his or her possession at all times that he or she is carrying the
29 pistol. For the purposes of this act, the receipt is considered to

1 be part of the license to carry a concealed pistol until a renewal
2 license is issued or denied or a notice of statutory
3 disqualification is issued.

4 (7) ~~(8)~~—The educational requirements under section 5b(7)(c)
5 are waived for an applicant who is a retired police officer or
6 retired law enforcement officer.

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

20 (9) ~~(10)~~—An applicant who is applying for a renewal of a
21 license issued under section 5b is not required to have
22 fingerprints taken again under section 5b(9) if all of the
23 following conditions have been met:

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

28 (b) The applicant's fingerprints have been submitted to and
29 maintained by the department of state police as described in

- 1 subdivision (a) for ongoing comparison with the automated
- 2 fingerprint identification system (AFIS) database.