

HOUSE BILL NO. 4715

June 08, 2023, Introduced by Reps. DeBoyer, Rigas, Hoadley, Maddock, Carra, Smit, Aragona, Fox, Jaime Greene, BeGole, Cavitt, Bierlein, Beeler, Borton, DeSana, Posthumus, Friske, Outman, Markkanen, Phil Green, Zorn, Prestin, Beson and Meerman and referred to the Committee on Government Operations.

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 2, 2a, 5b, 5g, 5o, 12, and 15 (MCL 28.422, 28.422a, 28.425b, 28.425g, 28.425o, 28.432, and 28.435), sections 2, 2a, and 12 as amended by 2023 PA 19, section 5b as amended by 2023 PA 37, section 5g as amended by 2012 PA 123, section 5o as amended by 2017 PA 95, and section 15 as amended by 2023 PA 17; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
2 shall not do either of the following:

3 (a) Purchase ~~, carry, possess, or transport~~ a pistol in this
4 state without first having obtained a license for the pistol as
5 prescribed in this section.

6 (b) Purchase a firearm that is not a pistol in this state
7 without first having obtained a license for the firearm as
8 prescribed in this section. This subdivision does not apply to the
9 purchase or acquisition of a firearm that occurred before the
10 effective date of the amendatory act that added this subdivision.

11 ~~(2) An individual who brings a firearm into this state who is~~
12 ~~on leave from active duty with the Armed Forces of the United~~
13 ~~States or who has been discharged from active duty with the Armed~~
14 ~~Forces of the United States shall obtain a license for the firearm~~
15 ~~not later than 30 days after the individual arrives in this state.~~

16 (2) ~~(3)~~The commissioner or chief of police of a city,
17 township, or village police department that issues licenses to
18 purchase ~~, carry, possess, or transport~~ firearms, or the
19 commissioner's or chief's duly authorized deputy, or the sheriff or
20 the sheriff's duly authorized deputy, in the parts of a county not
21 included in a city, township, or village having an organized police
22 department, in discharging the duty to issue licenses shall with

1 due speed and diligence issue licenses to purchase ~~, carry,~~
2 ~~possess, or transport~~ firearms to qualified applicants unless the
3 individual has probable cause to believe that the applicant would
4 be a threat to the applicant or to other individuals, or would
5 commit an offense with the firearm that would violate a law of this
6 or another state or of the United States. An applicant is qualified
7 if all of the following circumstances exist:

8 (a) The individual is not subject to an order or disposition
9 for which the individual has received notice and an opportunity for
10 a hearing, and which was entered into the law enforcement
11 information network under any of the following:

12 (i) Section 464a of the mental health code, 1974 PA 258, MCL
13 330.1464a.

14 (ii) Section 5107 of the estates and protected individuals
15 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
16 642.

17 (iii) Section 2950 of the revised judicature act of 1961, 1961
18 PA 236, MCL 600.2950.

19 (iv) Section 2950a of the revised judicature act of 1961, 1961
20 PA 236, MCL 600.2950a.

21 (v) Section 14 of 1846 RS 84, MCL 552.14.

22 (vi) Section 6b of chapter V of the code of criminal procedure,
23 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
24 section 6b(3) of chapter V of the code of criminal procedure, 1927
25 PA 175, MCL 765.6b.

26 (vii) Section 16b of chapter IX of the code of criminal
27 procedure, 1927 PA 175, MCL 769.16b.

28 (b) The individual is 18 years of age or older or, if the
29 firearm is a pistol and the seller is licensed under 18 USC 923, is

1 21 years of age or older.

2 (c) The individual is a citizen of the United States or an
3 alien lawfully admitted into the United States and is a legal
4 resident of this state. For the purposes of this section, an
5 individual is considered a legal resident of this state if any of
6 the following apply:

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

11 (ii) The individual is lawfully registered to vote in this
12 state.

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

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

19 (d) A felony charge or a criminal charge listed in section 5b
20 against the individual is not pending at the time of application.

21 (e) The individual is not prohibited from possessing, using,
22 transporting, selling, purchasing, carrying, shipping, receiving,
23 or distributing a firearm under section 224f of the Michigan penal
24 code, 1931 PA 328, MCL 750.224f.

25 (f) The individual has not been adjudged insane in this state
26 or elsewhere unless the individual has been adjudged restored to
27 sanity by court order.

28 (g) The individual is not under an order of involuntary
29 commitment in an inpatient or outpatient setting due to mental

1 illness.

2 (h) The individual has not been adjudged legally incapacitated
3 in this state or elsewhere. This subdivision does not apply to an
4 individual who has had the individual's legal capacity restored by
5 order of the court.

6 (3) ~~(4)~~—An applicant for a license under this section shall
7 sign the application under oath on a form provided by the director
8 of the department of state police. A licensing authority shall
9 issue a license to purchase ~~, carry, possess, or transport~~ firearms
10 in triplicate on a form provided by the director of the department
11 of state police. The licensing authority shall sign any license
12 issued under this section. The licensing authority shall deliver 3
13 copies of the license to the applicant. A license is void unless
14 used within 30 days after the date it is issued.

15 (4) ~~(5)~~—If an individual purchases or otherwise acquires a
16 firearm, the seller shall fill out the license forms describing the
17 firearm, together with the date of sale or acquisition, and sign
18 the seller's name in ink indicating that the firearm was sold to or
19 otherwise acquired by the purchaser. The purchaser shall also sign
20 the purchaser's name in ink indicating the purchase or other
21 acquisition of the firearm from the seller. The seller may retain a
22 copy of the license as a record of the transaction, shall provide a
23 copy of the license to the purchaser, and, if the firearm is a
24 pistol, shall return 1 copy of the license to the licensing
25 authority not later than 10 days after the date the pistol is
26 purchased or acquired. The seller shall return the copy to the
27 licensing authority in person or by first-class mail or certified
28 mail sent in the 10-day period to the proper address of the
29 licensing authority. A seller who fails to comply with the

1 requirements of this subsection is responsible for a state civil
2 infraction and may be fined not more than \$250.00. If a seller is
3 found responsible for a state civil infraction under this
4 subsection, the court shall notify the department of state police
5 of that determination.

6 **(5)** ~~(6)~~—Not later than 10 days after receiving the license
7 copy for a pistol returned under subsection ~~(5)~~, **(4)**, the licensing
8 authority shall electronically enter the information into the
9 pistol entry database as required by the department of state police
10 if the licensing authority has the ability to electronically enter
11 that information. If the licensing authority does not have that
12 ability, the licensing authority shall provide that information to
13 the department of state police in a manner otherwise required by
14 the department of state police. Any licensing authority that
15 provided pistol descriptions to the department of state police
16 under former section 9 of this act shall continue to provide pistol
17 descriptions to the department of state police under this
18 subsection. Not later than 48 hours after entering or otherwise
19 providing the information on the license copy returned under
20 subsection ~~(5)~~ **(4)** to the department of state police, the licensing
21 authority shall forward the copy of the license to the department
22 of state police. The purchaser may obtain a copy of the information
23 placed in the pistol entry database under this subsection to verify
24 the accuracy of that information. The licensing authority may
25 charge a fee not to exceed \$1.00 for the cost of providing the
26 copy. The licensee may carry, use, possess, and transport the
27 pistol for 30 days beginning on the date of purchase or acquisition
28 only while the licensee is in possession of a copy of the license.
29 However, the licensee is not required to have the license in the

1 licensee's possession while carrying, using, possessing, or
2 transporting the pistol after this period.

3 (6) ~~(7)~~—This section does not apply to the purchase of
4 firearms from wholesalers by dealers regularly engaged in the
5 business of selling firearms at retail, or to the sale, barter, or
6 exchange of firearms kept as relics or curios not made for modern
7 ammunition or permanently deactivated.

8 (7) ~~(8)~~—This section does not prevent the transfer of
9 ownership of pistols to an heir or devisee, whether by testamentary
10 bequest or by the laws of intestacy regardless of whether the
11 pistol is entered into the pistol entry database. An individual who
12 has inherited a firearm shall obtain a license as required in this
13 section not later than 30 days after taking physical possession of
14 the firearm. The license may be signed by a next of kin of the
15 decedent or the person authorized to dispose of property under the
16 estates and protected individuals code, 1998 PA 386, MCL 700.1101
17 to 700.8206, including when the next of kin is the individual
18 inheriting the firearm. If the heir or devisee is not qualified for
19 a license under this section, the heir or devisee may direct the
20 next of kin or person authorized to dispose of property under the
21 estates and protected individuals code, 1998 PA 386, MCL 700.1101
22 to 700.8206, to dispose of the firearm in any manner that is lawful
23 and the heir or devisee considers appropriate. The person
24 authorized to dispose of property under the estates and protected
25 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not
26 required to obtain a license under this section if the person takes
27 temporary lawful possession of the firearm in the process of
28 disposing of the firearm pursuant to the decedent's testamentary
29 bequest or the laws of intestacy. A law enforcement agency may not

1 seize or confiscate a firearm being transferred by testamentary
2 bequest or the laws of intestacy unless the heir or devisee does
3 not qualify for obtaining a license under this section and the next
4 of kin or person authorized to dispose of property under the
5 estates and protected individuals code, 1998 PA 386, MCL 700.1101
6 to 700.8206, is unable to retain temporary possession of the
7 firearm or find alternative lawful storage. If a law enforcement
8 agency seizes or confiscates a firearm under this subsection, the
9 heir or devisee who is not qualified to obtain a license under this
10 section retains ownership interest in the firearm and, not later
11 than 30 days after being notified of the seizure or confiscation,
12 may file with a court of competent jurisdiction to direct the law
13 enforcement agency to lawfully transfer or otherwise dispose of the
14 firearm. The seizing entity or its agents shall not destroy, sell,
15 or use a firearm seized under this subsection until 30 days have
16 passed since the heir or devisee has been notified of the seizure
17 and no legal action regarding the lawful possession or ownership of
18 the seized firearm has been filed in any court and is pending. As
19 used in this subsection:

20 (a) "Devisee" means that term as defined in section 1103 of
21 the estates and protected individuals code, 1998 PA 386, MCL
22 700.1103.

23 (b) "Heir" means that term as defined in section 1104 of the
24 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

25 **(8)** ~~(9)~~—An individual who is not a resident of this state is
26 not required to obtain a license under this section if all of the
27 following conditions apply:

28 (a) The individual is licensed in the individual's state of
29 residence to purchase, carry, or transport a pistol.

1 (b) The individual is in possession of the license described
2 in subdivision (a).

3 (c) The individual is the owner of the pistol the individual
4 possesses, carries, or transports.

5 (d) The individual possesses the pistol for a lawful purpose.

6 (e) The individual is in this state for a period of 180 days
7 or less and does not intend to establish residency in this state.

8 **(9)** ~~(10)~~—An individual who is a nonresident of this state
9 shall present the license described in subsection ~~(9) (a)~~ **(8) (a)**
10 upon the demand of a police officer. An individual who violates
11 this subsection is guilty of a misdemeanor punishable by
12 imprisonment for not more than 90 days or a fine of not more than
13 \$100.00, or both.

14 **(10)** ~~(11)~~—The licensing authority may require an individual
15 claiming active duty status with the Armed Forces of the United
16 States to provide proof of 1 or both of the following:

17 (a) The individual's home of record.

18 (b) Permanent active duty assignment in this state.

19 **(11)** ~~(12)~~—This section does not apply to an individual who is
20 younger than the age required under subsection ~~(3) (b)~~ **(2) (b)** and
21 who possesses a pistol if 1 of the following conditions applies:

22 (a) The individual is not otherwise prohibited from possessing
23 that pistol and all of the following apply:

24 (i) The individual is at a recognized target range.

25 (ii) The individual possesses the pistol for the purpose of
26 target practice or instruction in the safe use of a pistol.

27 (iii) The individual is in the physical presence and under the
28 direct supervision of any of the following:

29 (A) The individual's parent.

1 (B) The individual's guardian.

2 (C) An individual who is 21 years of age or older, who is
3 authorized by the individual's parent or guardian, and who has
4 successfully completed a pistol safety training course or class
5 that meets the requirements of section 5j(1) (a), (b), or (d), and
6 received a certificate of completion.

7 (iv) The owner of the pistol is physically present.

8 (b) The individual is not otherwise prohibited from possessing
9 that pistol, the individual possesses the pistol for the purpose of
10 hunting, and the individual is in compliance with all applicable
11 hunting laws.

12 **(12)** ~~(13)~~—This section does not apply to an individual who
13 possesses a pistol if all of the following conditions apply:

14 (a) The individual is not otherwise prohibited from possessing
15 a pistol.

16 (b) The individual is at a recognized target range or shooting
17 facility.

18 (c) The individual possesses the pistol for the purpose of
19 target practice or instruction in the safe use of a pistol.

20 (d) The owner of the pistol is physically present and
21 supervising the use of the pistol.

22 **(13)** ~~(14)~~—A person who forges any matter on an application for
23 a license under this section is guilty of a felony punishable by
24 imprisonment for not more than 4 years or a fine of not more than
25 \$2,000.00, or both.

26 **(14)** ~~(15)~~—A licensing authority shall implement this section
27 during all of the licensing authority's normal business hours and
28 shall set hours for implementation that allow an applicant to use
29 the license within the time period set forth in subsection (4).

1 Sec. 2a. (1) The following individuals are not required to
2 obtain a license under section 2 to purchase ~~, carry, possess, use,~~
3 ~~or transport~~ a firearm:

4 (a) An individual licensed under section 5b, except for an
5 individual who has an emergency license issued under section 5a(4)
6 or a receipt serving as a concealed pistol license under section
7 5b(9) or 5l(3).

8 (b) A federally licensed firearms dealer.

9 (c) An individual currently employed as a police officer who
10 is licensed or certified under the Michigan commission on law
11 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

12 (d) An individual purchasing a firearm other than a pistol who
13 has a federal national instant criminal background check performed
14 on the individual by a federally licensed firearms dealer not more
15 than 5 days before the purchase.

16 (2) If an individual described in subsection (1) purchases or
17 otherwise acquires a firearm, the seller shall complete a record in
18 triplicate on a form provided by the department of state police
19 that includes the purchaser's concealed weapon license number, the
20 number of the purchaser's license or certificate issued under the
21 Michigan commission on law enforcement standards act, 1965 PA 203,
22 MCL 28.601 to 28.615, or, if the purchaser is a federally licensed
23 firearms dealer, the purchaser's dealer license number. If the
24 purchaser is not licensed under section 5b or does not have a
25 license or certificate issued under the Michigan commission on law
26 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and
27 is not a federally licensed firearms dealer, the record must
28 include the dealer license number of the federally licensed
29 firearms dealer that performed the federal national instant

1 criminal background check. The purchaser shall sign the record. The
2 seller may retain 1 copy of the record, shall provide a copy of the
3 record to the purchaser, and, if the firearm is a pistol, shall
4 forward 1 copy to the police department of the city, village, or
5 township in which the seller resides, or, if the seller does not
6 reside in a city, village, or township having a police department,
7 to the county sheriff, not later than 10 days following the
8 purchase or acquisition. The seller shall return the copy to the
9 police department or county sheriff in person or by first-class
10 mail or certified mail sent in the 10-day period to the proper
11 address of the police department or county sheriff. A seller who
12 fails to comply with the requirements of this subsection is
13 responsible for a state civil infraction and may be fined not more
14 than \$250.00. If a seller is found responsible for a state civil
15 infraction under this subsection, the court shall notify the
16 department of state police. If the seller is licensed under section
17 5b, the court shall notify the licensing authority of that
18 determination.

19 (3) Not later than 10 days after receiving the record copy for
20 a pistol returned under subsection (2), the police department or
21 county sheriff shall electronically enter the information into the
22 pistol entry database as required by the department of state police
23 if it has the ability to electronically enter that information. If
24 the police department or county sheriff does not have that ability,
25 the police department or county sheriff shall provide that
26 information to the department of state police in a manner otherwise
27 required by the department of state police. Any police department
28 or county sheriff that provided pistol descriptions to the
29 department of state police under former section 9 of this act shall

1 continue to provide pistol descriptions to the department of state
2 police under this subsection. Not later than 48 hours after
3 entering or otherwise providing the information on the record copy
4 returned under subsection (2) to the department of state police,
5 the police department or county sheriff shall forward the copy of
6 the record to the department of state police. The purchaser may
7 obtain a copy of the information placed in the pistol entry
8 database under this subsection to verify the accuracy of that
9 information. The police department or county sheriff may charge a
10 fee not to exceed \$1.00 for the cost of providing the copy. The
11 purchaser may carry, use, possess, and transport the pistol for 30
12 days beginning on the date of purchase or acquisition only while
13 the individual is in possession of the individual's copy of the
14 record. However, the individual is not required to have the record
15 in the individual's possession while carrying, using, possessing,
16 or transporting the pistol after this period.

17 (4) This section does not apply to a person or entity exempt
18 under section ~~2(7)~~**2(6)**.

19 (5) An individual who makes a material false statement on a
20 sales record under this section is guilty of a felony punishable by
21 imprisonment for not more than 4 years or a fine of not more than
22 \$2,500.00, or both.

23 (6) The department of state police may promulgate rules to
24 implement this section.

25 (7) The Michigan commission on law enforcement standards shall
26 provide license or certificate information, as applicable, to the
27 department of state police to verify the requirements of this
28 section.

29 (8) As used in this section:

1 (a) "Federally licensed firearms dealer" means a person
2 licensed to sell firearms under 18 USC 923.

3 (b) "Person" means an individual, partnership, corporation,
4 association, or other legal entity.

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

17 (e) A statement by the applicant regarding whether the
18 applicant has ever been convicted in this state or elsewhere for
19 any of the 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 the applicant has
28 been dishonorably discharged from the Armed Forces of the United
29 States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (c) The applicant has knowledge and has had training in the

1 safe use and handling of a pistol by the successful completion of a
2 pistol safety training course or class that meets the requirements
3 of section 5j.

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

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

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

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

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

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

19 (vi) The extreme risk protection order act.

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 the applicant applies for a license described

1 in this section.

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

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 the
10 applicant 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 227e~~
 28 ~~(improper transportation of a loaded firearm)~~, section 229
 29 (accepting a pistol in pawn), section 232a (improperly obtaining a

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

21 (x) Section 1 (reckless, careless, or negligent use of a
 22 firearm resulting in injury or death), section 2 (careless,
 23 reckless, or negligent use of a firearm resulting in property
 24 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 25 45, MCL 752.861, 752.862, and 752.863a.

26 (xi) A violation of a law of the United States, another state,
 27 or a local unit of government of this state or another state
 28 substantially corresponding to a violation described in
 29 subparagraphs (i) to (x).

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

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

17 (ii) Section 185 of the aeronautics code of the state of
18 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
19 influence).

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

25 (iv) Part 74 of the public health code, 1978 PA 368, MCL
26 333.7401 to 333.7461 (controlled substance violation).

27 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
28 462.353, punishable under subsection (3) of that section (operating
29 locomotive under the influence).

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

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

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

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

26 (l) The applicant has filed a statement under subsection (1)(d)
27 that the applicant does not have a diagnosis of mental illness that
28 includes an assessment that the individual presents a danger to the
29 applicant or to another at the time the application is made,

1 regardless of whether the applicant is receiving treatment for that
2 illness.

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

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

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

19 (9) An individual, after submitting an application and paying
20 the fee prescribed under subsection (5), shall request that
21 classifiable fingerprints be taken by a county clerk, the
22 department of state police, a county sheriff, a local police
23 agency, or other entity, if the county clerk, department of state
24 police, county sheriff, local police agency, or other entity
25 provides fingerprinting capability for the purposes of this act. An
26 individual who has had classifiable fingerprints taken under
27 section 5a(4) does not need additional fingerprints taken under
28 this subsection. If the individual requests that classifiable
29 fingerprints be taken by the county clerk, department of state

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

- 23 (a) The name of the individual.
24 (b) The date and time the receipt is issued.
25 (c) The amount paid.
26 (d) The name of the entity providing the fingerprint services.
27 (e) The individual's state-issued driver license or personal
28 identification card number.
29 (f) The statement "This receipt was issued for the purpose of

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

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

1 fingerprints are not classifiable by the Federal Bureau of
2 Investigation.

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

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

10 (13) Subject to subsection (10), the department of state
11 police shall complete the verification required under subsection
12 (6) and the county clerk shall issue a license or a notice of
13 statutory disqualification not later than 45 days after the date
14 the individual has classifiable fingerprints taken under subsection
15 (9). The county clerk shall include an indication on the license if
16 an individual is exempt from the prohibitions against carrying a
17 concealed pistol on premises described in section 50 if the
18 applicant provides acceptable proof that the applicant qualifies
19 for that exemption. If the county clerk receives notice from a
20 county sheriff or chief law enforcement officer that a licensee is
21 no longer a member of a sheriff's posse, an auxiliary officer, or a
22 reserve officer, the county clerk shall notify the licensee that
23 the licensee shall surrender the concealed pistol license
24 indicating that the individual is exempt from the prohibitions
25 against carrying a concealed pistol on premises described in
26 section 50. The licensee shall, not later than 30 days after
27 receiving notice from the county clerk, surrender the license
28 indicating that the individual is exempt from the prohibitions
29 against carrying a concealed pistol on premises described in

1 section 5o and obtain a replacement license after paying the fee
2 required under subsection (15). If the county clerk issues a notice
3 of statutory disqualification, the county clerk shall, not later
4 than 5 business days after that notice, do all of the following:

5 (a) Inform the individual in writing of the reasons for the
6 denial or disqualification. Information under this subdivision must
7 include all of the following:

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

9 (ii) The source of the record for each statutory
10 disqualification identified.

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

13 (b) Inform the individual in writing of the individual's right
14 to appeal the denial or notice of statutory disqualification to the
15 circuit court as provided in section 5d.

16 (c) Inform the individual that the individual should contact
17 the source of the record for any statutory disqualification to
18 correct any errors in the record resulting in the statutory
19 disqualification.

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

28 (15) If an individual licensed under this act to carry a
29 concealed pistol moves to a different county within this state, the

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

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

25 (17) An applicant or an individual licensed under this act to
26 carry a concealed pistol may be furnished a copy of the
27 individual's application under this section upon request and the
28 payment of a reasonable fee not to exceed \$1.00. The county clerk
29 shall deposit any fee collected under this subsection in the

1 concealed pistol licensing fund of that county created in section
2 5x.

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

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

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

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

1 (22) As used in this section:

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

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

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

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

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

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

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

29 (vii) For an individual who is a member of a sheriff's posse,

1 the individual's identification.

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

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

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

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

20 (xii) For an individual who is a court officer, the
21 individual's employee identification.

22 (xiii) For a retired federal law enforcement officer, the
23 identification required under 18 USC 926C or a letter from a law
24 enforcement agency stating that the retired federal law enforcement
25 officer retired in good standing.

26 (xiv) For an individual who is a peace officer, the
27 individual's employee identification.

28 (b) "Convicted" means a final conviction, the payment of a
29 fine, a plea of guilty or nolo contendere if accepted by the court,

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

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

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

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

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

25 Sec. 5g. A pistol or portable device that uses electro-
26 muscular disruption technology carried in violation of this act is
27 subject to seizure and forfeiture in the same manner that property
28 is subject to seizure and forfeiture under sections 4701 to 4709 of
29 the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to

1 600.4709. ~~This section does not apply if the violation is a state~~
2 ~~civil infraction under section 5f unless the individual fails to~~
3 ~~present his or her license within the 45-day period described in~~
4 ~~that section.~~

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

9 ~~(a) A~~ **a** school or school property except that a parent or
10 legal guardian of a student of the school is not precluded from
11 carrying a concealed pistol while in a vehicle on school property,
12 if ~~he or she~~ **the individual** is dropping the student off at the
13 school or picking up the student from the school. As used in this
14 section, "school" and "school property" mean those terms as defined
15 in section 237a of the Michigan penal code, 1931 PA 328, MCL
16 750.237a.

17 ~~(b) A public or private child care center or day care center,~~
18 ~~public or private child caring institution, or public or private~~
19 ~~child placing agency.~~

20 ~~(c) A sports arena or stadium.~~

21 ~~(d) A bar or tavern licensed under the Michigan liquor control~~
22 ~~code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the~~
23 ~~primary source of income of the business is the sale of alcoholic~~
24 ~~liquor by the glass and consumed on the premises. This subdivision~~
25 ~~does not apply to an owner or employee of the business. The~~
26 ~~Michigan liquor control commission shall develop and make available~~
27 ~~to holders of licenses under the Michigan liquor control code of~~
28 ~~1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign~~
29 ~~stating that "This establishment prohibits patrons from carrying~~

1 ~~concealed weapons". The owner or operator of an establishment~~
 2 ~~licensed under the Michigan liquor control code of 1998, 1998 PA~~
 3 ~~58, MCL 436.1101 to 436.2303, may post the sign developed under~~
 4 ~~this subdivision.~~

5 ~~(c) Any property or facility owned or operated by a church,~~
 6 ~~synagogue, mosque, temple, or other place of worship, unless the~~
 7 ~~presiding official or officials of the church, synagogue, mosque,~~
 8 ~~temple, or other place of worship permit the carrying of concealed~~
 9 ~~pistol on that property or facility.~~

10 ~~(f) An entertainment facility with a seating capacity of 2,500~~
 11 ~~or more individuals that the individual knows or should know has a~~
 12 ~~seating capacity of 2,500 or more individuals or that has a sign~~
 13 ~~above each public entrance stating in letters not less than 1-inch~~
 14 ~~high a seating capacity of 2,500 or more individuals.~~

15 ~~(g) A hospital.~~

16 ~~(h) A dormitory or classroom of a community college, college,~~
 17 ~~or university.~~

18 (2) Subject to subsection (5), an individual shall not carry a
 19 portable device that uses electro-muscular disruption technology on
 20 any of the premises described in subsection (1).

21 (3) An individual licensed under this act to carry a concealed
 22 pistol, or who is exempt from licensure under section 12a(h), shall
 23 not carry a concealed pistol in violation of R 432.1212 of the
 24 Michigan Administrative Code promulgated under the Michigan ~~gaming~~
 25 ~~control~~ **Gaming Control** and ~~revenue act,~~ **Revenue Act**, 1996 IL 1, MCL
 26 432.201 to 432.226.

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

29 (5) Subsections (1) and (2) do not apply to any of the

1 following:

2 (a) An individual licensed under this act who is a retired
3 police officer, retired law enforcement officer, or retired federal
4 law enforcement officer.

5 (b) An individual who is licensed under this act and who is
6 employed or contracted by an entity described under subsection (1)
7 to provide security services and is required by ~~his or her~~ **the**
8 employer or the terms of a contract to carry a concealed firearm on
9 the premises of the employing or contracting entity.

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

13 (d) An individual who is licensed under this act and who is a
14 corrections officer of a county sheriff's department or who is
15 licensed under this act and is a retired corrections officer of a
16 county sheriff's department, if that individual has received county
17 sheriff approved weapons training.

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

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

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

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

28 (i) A parole, probation, or corrections officer, or absconder
29 recovery unit member, of the department of corrections, if that

1 individual has obtained a Michigan department of corrections
2 weapons permit.

3 (ii) A retired parole, probation, or corrections officer, or
4 retired absconder recovery unit member, of the department of
5 corrections, if that individual has obtained a Michigan department
6 of corrections weapons permit.

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

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

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

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

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

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

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

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

29 (a) A police or correctional agency of the United States or of

1 this state or any subdivision of this state.

2 (b) The United States Army, Air Force, Navy, **Space Force**, or
3 Marine Corps.

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

6 (d) The National Guard, United States Armed Forces Reserves,
7 or other duly authorized military organization.

8 (e) A member of an entity or organization described in
9 subdivisions (a) to (d) for a firearm while engaged in the course
10 of that member's duties with that entity or while going to or
11 returning from those duties.

12 (f) A United States citizen holding a license to carry a
13 pistol concealed upon that individual's person issued by another
14 state.

15 (g) The regular and ordinary possession and transportation of
16 a firearm as merchandise by an authorized agent of a person
17 licensed to manufacture firearms or a licensed dealer.

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

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

28 (2) The amendatory act that added subsection (1)(h) may be
29 known as the "Janet Kukuk act".

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

4 (a) A commercially available trigger lock or other device
5 designed to disable the firearm and prevent the discharge of the
6 firearm.

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

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

10 (a) The sale of a firearm to a police officer or a police
11 agency.

12 (b) The sale of a firearm to a person that presents to the
13 federally licensed firearms dealer 1 of the following:

14 (i) A trigger lock or other device designed to disable the
15 firearm and prevent the discharge of the firearm together with a
16 copy of the purchase receipt for the federally licensed firearms
17 dealer to keep. A separate trigger lock or device and a separate
18 purchase receipt is required for each firearm purchased.

19 (ii) A gun case or storage container that can be secured to
20 prevent unauthorized access to the firearm together with a copy of
21 the purchase receipt for the federally licensed firearms dealer to
22 keep. A separate gun case or storage container and a separate
23 purchase receipt is required for each firearm purchased.

24 (c) The sale of an antique firearm. As used in this
25 subdivision, "antique firearm" means that term as defined in
26 section ~~231a-237a~~ of the Michigan penal code, 1931 PA 328, MCL
27 ~~750.231a-750.237a~~.

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

1 (3) A federally licensed firearms dealer shall not sell a
2 firearm in this state unless the firearm is accompanied with, free
3 of charge, all of the following:

4 (a) A brochure or pamphlet that includes safety information on
5 the use and storage of the firearm in a home environment.

6 (b) A written warning informing the purchaser of the penalties
7 for failing to store or leave a firearm in the manner required
8 under section 9.

9 (c) Lethal means counseling literature published by the
10 department of health and human services under section 9.

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

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

19 (6) A federally licensed firearms dealer in this state shall
20 post in a conspicuous manner at the entrances, exits, and all
21 points of sale on the premises where firearms are sold a notice
22 informing the reader that failing to store or leave a firearm in
23 the manner required under section 9 is unlawful.

24 (7) A federally licensed firearms dealer is not liable for
25 damages arising from the use or misuse of a firearm if the sale
26 complies with this section, any other applicable law of this state,
27 and applicable federal law.

28 (8) This section does not create a civil action or liability
29 for damages arising from the use or misuse of a firearm or

1 ammunition for a person, other than a federally licensed firearms
2 dealer, who produces a firearm or ammunition.

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

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

13 (a) A breach of contract, other contract issue, or an action
14 based on a provision of the uniform commercial code, 1962 PA 174,
15 MCL 440.1101 to 440.9994, in which the political subdivision is the
16 purchaser and owner of the firearm or ammunition.

17 (b) Expressed or implied warranties arising from the purchase
18 of a firearm or ammunition by the political subdivision or the use
19 of a firearm or ammunition by an employee or agent of the political
20 subdivision.

21 (c) A product liability, personal injury, or wrongful death
22 action when an employee or agent or property of the political
23 subdivision has been injured or damaged as a result of a defect in
24 the design or manufacture of the firearm or ammunition purchased
25 and owned by the political subdivision.

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

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

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

4 (c) Failure to sell with or incorporate into the product a
5 device or mechanism to prevent a firearm or ammunition from being
6 discharged by an unauthorized person unless specifically provided
7 for by contract.

8 (12) Subsections (9) to (11) do not create a civil action.

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

13 (14) A person who violates this section is guilty of a crime
14 as follows:

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

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

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

24 (15) As used in this section:

25 (a) "Federally licensed firearms dealer" means a person
26 licensed under 18 USC 923.

27 (b) "Firearm or ammunition" includes a component of a firearm
28 or ammunition.

29 (c) "Person" means an individual, partnership, corporation,

1 association, or other legal entity.

2 (d) "Political subdivision" means a county, city, village,
3 township, charter township, school district, community college, or
4 public university or college.

5 (e) "Produce" means to manufacture, construct, design,
6 formulate, develop standards for, prepare, process, assemble,
7 inspect, test, list, certify, give a warning or instructions
8 regarding, market, sell, advertise, package, label, distribute, or
9 transfer.

10 Enacting section 1. Section 5f of 1927 PA 327, MCL 28.425f, is
11 repealed.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 4710 (request no.
14 03199'23) of the 102nd Legislature is enacted into law.