

HOUSE BILL NO. 4846

June 27, 2023, Introduced by Reps. Wendzel, Rigas, St. Germaine, Beson, Wozniak, Outman, Smit, Roth, Bruck, Aragona, DeSana, Hoadley, Zorn, Cavitt, Jaime Greene, Paquette, BeGole and Alexander and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

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

and parts of acts inconsistent with this act,"
by amending sections 5b and 5l (MCL 28.425b and 28.425l), section 5b
as amended by 2023 PA 37 and section 5l as amended by 2017 PA 95.

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. The applicant
9 shall sign the application under oath. The county clerk or the
10 county clerk's representative shall administer the oath. An
11 application under this subsection is not considered complete until
12 an applicant submits all of the required information and fees and
13 has fingerprints taken under subsection (9). An application under
14 this subsection is considered withdrawn if an applicant does not
15 have fingerprints taken under subsection (9) within 45 days after
16 the date an application is filed under this subsection. A completed
17 application and all receipts issued under this section expire 1
18 year after the date of application. The county clerk shall issue
19 the applicant a receipt for the applicant's application at the time
20 the application is submitted containing the name of the applicant,
21 the applicant's state-issued driver license or personal
22 identification card number, the date and time the receipt is
23 issued, the amount paid, the name of the county in which the
24 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 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~~**Except as otherwise provided in this subsection, a**
5 certificate stating that the applicant has completed the training
6 course prescribed by this act. **An applicant who is a retired police**
7 **officer, retired law enforcement officer, or veteran is not**
8 **required to complete a training course under this act.**

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

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

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

27 (5) ~~Each~~**Except as otherwise provided in this subsection, each**
28 applicant shall pay a nonrefundable application and licensing fee
29 of \$100.00 by any method of payment accepted by that county for

1 payments of other fees and penalties. Except as provided in
2 subsection (9), no other charge, fee, cost, or assessment,
3 including any local charge, fee, cost, or assessment, is required
4 of the applicant except as specifically authorized in this act. The
5 applicant shall pay the application and licensing fee to the
6 county. **A retired police officer, retired law enforcement officer,
7 or veteran is not required to pay an application and licensing fee
8 under this subsection.** The county treasurer shall deposit \$26.00 of
9 each application and licensing fee collected under this section in
10 the concealed pistol licensing fund of that county created in
11 section 5x. The county treasurer shall forward the balance
12 remaining to the state treasurer. The state treasurer shall deposit
13 the balance of the fee in the general fund to the credit of the
14 department of state police. The department of state police shall
15 use the money received under this act to process the fingerprints
16 and to reimburse the Federal Bureau of Investigation for the costs
17 associated with processing fingerprints submitted under this act.
18 The balance of the money received under this act must be credited
19 to the department of state police.

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

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

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

2 (b) The applicant is a citizen of the United States or is an
3 alien lawfully admitted into the United States, is a legal resident
4 of this state, and has resided in this state for not less than the
5 6 months immediately preceding the date of application. The county
6 clerk shall waive the 6-month residency requirement for an
7 emergency license under section 5a(4) if the applicant is a
8 petitioner for a personal protection order issued under section
9 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
10 MCL 600.2950 and 600.2950a, or if the county sheriff determines
11 that there is clear and convincing evidence to believe that the
12 safety of the applicant or the safety of a member of the
13 applicant's family or household is endangered by the applicant's
14 inability to immediately obtain a license to carry a concealed
15 pistol. If the applicant holds a valid concealed pistol license
16 issued by another state at the time the applicant's residency in
17 this state is established, the county clerk shall waive the 6-month
18 residency requirement and the applicant may apply for a concealed
19 pistol license at the time the applicant's residency in this state
20 is established. For the purposes of this section, an individual is
21 considered a legal resident of this state if any of the following
22 apply:

23 (i) The individual has a valid, lawfully obtained driver
24 license issued under the Michigan vehicle code, 1949 PA 300, MCL
25 257.1 to 257.923, or official state personal identification card
26 issued under 1972 PA 222, MCL 28.291 to 28.300.

27 (ii) The individual is lawfully registered to vote in this
28 state.

29 (iii) The individual is on active duty status with the Armed

1 Forces of the United States and is stationed outside of this state,
2 but the individual's home of record is in this state.

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

6 (c) The applicant has knowledge and has had training in the
7 safe use and handling of a pistol by the successful completion of a
8 pistol safety training course or class that meets the requirements
9 of section 5j. **An applicant who is a retired police officer,
10 retired law enforcement officer, or veteran is not required to
11 complete a training course under this act.**

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

15 (i) Section 464a of the mental health code, 1974 PA 258, MCL
16 330.1464a.

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

19 (iii) Sections 2950 and 2950a of the revised judicature act of
20 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

27 (vi) The extreme risk protection order act.

28 (e) Based solely on the report received from the department of
29 state police under subsection (6), the applicant is not prohibited

1 from possessing, using, transporting, selling, purchasing,
2 carrying, shipping, receiving, or distributing a firearm under
3 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

4 (f) Based solely on the report received from the department of
5 state police under subsection (6), the applicant has never been
6 convicted of a felony in this state or elsewhere, and a felony
7 charge against the applicant is not pending in this state or
8 elsewhere at the time the applicant applies for a license described
9 in this section.

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

12 (h) Based solely on the report received from the department of
13 state police under subsection (6), the applicant has not been
14 convicted of a misdemeanor violation of any of the following in the
15 8 years immediately preceding the date of application and a charge
16 for a misdemeanor violation of any of the following is not pending
17 against the applicant in this state or elsewhere at the time the
18 applicant applies for a license described in this section:

19 (i) Section 617a (failing to stop when involved in a personal
20 injury accident), section 625 as punishable under subsection (9)(b)
21 of that section (operating while intoxicated, second offense),
22 section 625m as punishable under subsection (4) of that section
23 (operating a commercial vehicle with alcohol content, second
24 offense), section 626 (reckless driving), or a violation of section
25 904(1) (operating while license suspended or revoked, second or
26 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
27 257.617a, 257.625, 257.625m, 257.626, and 257.904.

28 (ii) Section 185(7) of the aeronautics code of the state of
29 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under

1 the influence of intoxicating liquor or a controlled substance with
2 prior conviction).

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

6 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
7 290.650 (hindering, obstructing, assaulting, or committing bodily
8 injury upon director or authorized representative).

9 (v) Section 80176 as punishable under section 80177(1)(b)
10 (operating vessel under the influence of intoxicating liquor or a
11 controlled substance, second offense), section 81134 as punishable
12 under subsection (8)(b) of that section (operating ORV under the
13 influence of intoxicating liquor or a controlled substance, second
14 or subsequent offense), or section 82127 as punishable under
15 section 82128(1)(b) (operating snowmobile under the influence of
16 intoxicating liquor or a controlled substance, second offense) of
17 the natural resources and environmental protection act, 1994 PA
18 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

19 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
20 333.7403 (possession of controlled substance, controlled substance
21 analogue, or prescription form).

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

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

28 (ix) Section 81 (assault or domestic assault), section 81a(1)
29 or (2) (aggravated assault or aggravated domestic assault), section

1 115 (breaking and entering or entering without breaking), section
 2 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
 3 abuse), section 157b(3)(b) (solicitation to commit a felony),
 4 section 215 (impersonating peace officer or medical examiner),
 5 section 223 (illegal sale of a firearm or ammunition), section 224d
 6 (illegal use or sale of a self-defense spray), section 227c
 7 (improper transportation of a loaded firearm), section 229
 8 (accepting a pistol in pawn), section 232a (improperly obtaining a
 9 pistol, making a false statement on an application to purchase a
 10 pistol, or using false identification to purchase a pistol),
 11 section 233 (intentionally aiming a firearm without malice),
 12 section 234 (intentionally discharging a firearm aimed without
 13 malice), section 234d (possessing a firearm on prohibited
 14 premises), section 234e (brandishing a firearm in public), section
 15 234f (possession of a firearm by an individual less than 18 years
 16 of age), section 235 (intentionally discharging a firearm aimed
 17 without malice causing injury), section 235a (parent of a minor who
 18 possessed a firearm in a weapon free school zone), section 236
 19 (setting a spring gun or other device), section 237 (possessing a
 20 firearm while under the influence of intoxicating liquor or a
 21 controlled substance), section 237a (weapon free school zone
 22 violation), section 335a (indecent exposure), section 411h
 23 (stalking), or section 520e (fourth degree criminal sexual conduct)
 24 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
 25 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,
 26 750.227c, 750.229, 750.232a, 750.233, 750.234, 750.234d, 750.234e,
 27 750.234f, 750.235, 750.235a, 750.236, 750.237, 750.237a, 750.335a,
 28 750.411h, and 750.520e.

29 (x) Section 1 (reckless, careless, or negligent use of a

1 firearm resulting in injury or death), section 2 (careless,
2 reckless, or negligent use of a firearm resulting in property
3 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
4 45, MCL 752.861, 752.862, and 752.863a.

5 (xi) A violation of a law of the United States, another state,
6 or a local unit of government of this state or another state
7 substantially corresponding to a violation described in
8 subparagraphs (i) to (x).

9 (i) Based solely on the report received from the department of
10 state police under subsection (6), the applicant has not been
11 convicted of a misdemeanor violation of any of the following in the
12 3 years immediately preceding the date of application unless the
13 misdemeanor violation is listed under subdivision (h) and a charge
14 for a misdemeanor violation of any of the following is not pending
15 against the applicant in this state or elsewhere at the time the
16 applicant applies for a license described in this section:

17 (i) Section 625 (operating under the influence), section 625a
18 (refusal of commercial vehicle operator to submit to a chemical
19 test), section 625k (ignition interlock device reporting
20 violation), section 625l (circumventing an ignition interlock
21 device), or section 625m punishable under subsection (3) of that
22 section (operating a commercial vehicle with alcohol content) of
23 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
24 257.625k, 257.625l, and 257.625m.

25 (ii) Section 185 of the aeronautics code of the state of
26 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
27 influence).

28 (iii) Section 81134 (operating ORV under the influence or
29 operating ORV while visibly impaired), or section 82127 (operating

1 a snowmobile under the influence) of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.81134 and
3 324.82127.

4 (iv) Part 74 of the public health code, 1978 PA 368, MCL
5 333.7401 to 333.7461 (controlled substance violation).

6 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
7 462.353, punishable under subsection (3) of that section (operating
8 locomotive under the influence).

9 (vi) Section 167 (disorderly person), section 174
10 (embezzlement), section 218 (false pretenses with intent to
11 defraud), section 356 (larceny), section 356d (second degree retail
12 fraud), section 359 (larceny from a vacant building or structure),
13 section 362 (larceny by conversion), section 362a (larceny -
14 defrauding lessor), section 377a (malicious destruction of
15 property), section 380 (malicious destruction of real property),
16 section 535 (receiving or concealing stolen property), or section
17 540e (malicious use of telecommunications service or device) of the
18 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
19 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
20 750.535, and 750.540e.

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

25 (j) Based solely on the report received from the department of
26 state police under subsection (6), the applicant has not been found
27 guilty but mentally ill of any crime and has not offered a plea of
28 not guilty of, or been acquitted of, any crime by reason of
29 insanity.

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

5 (l) The applicant has filed a statement under subsection (1)(d)
6 that the applicant does not have a diagnosis of mental illness that
7 includes an assessment that the individual presents a danger to the
8 applicant or to another at the time the application is made,
9 regardless of whether the applicant is receiving treatment for that
10 illness.

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

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

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

27 (9) An individual, after submitting an application and paying
28 the fee prescribed under subsection (5), shall request that
29 classifiable fingerprints be taken by a county clerk, the

1 department of state police, a county sheriff, a local police
2 agency, or other entity, if the county clerk, department of state
3 police, county sheriff, local police agency, or other entity
4 provides fingerprinting capability for the purposes of this act. An
5 individual who has had classifiable fingerprints taken under
6 section 5a(4) does not need additional fingerprints taken under
7 this subsection. ~~If~~**Except as otherwise provided in this**
8 **subsection, if** the individual requests that classifiable
9 fingerprints be taken by the county clerk, department of state
10 police, county sheriff, a local police agency, or other entity, the
11 individual shall also pay a fee of \$15.00 by any method of payment
12 accepted for payments of other fees and penalties. **A retired police**
13 **officer, retired law enforcement officer, or veteran is not**
14 **required to pay a fee for fingerprints under this subsection.** A
15 county clerk shall deposit any fee it accepts under this subsection
16 in the concealed pistol licensing fund of that county created in
17 section 5x. The county clerk, department of state police, county
18 sheriff, local police agency, or other entity shall take the
19 fingerprints within 5 business days after the request. County
20 clerks, the department of state police, county sheriffs, local
21 police agencies, and other entities shall provide reasonable access
22 to fingerprinting services during normal business hours as is
23 necessary to comply with the requirements of this act if the county
24 clerk, department of state police, county sheriff, local police
25 agency, or other entity provides fingerprinting capability for the
26 purposes of this act. The entity providing fingerprinting services
27 shall issue the individual a receipt at the time the individual's
28 fingerprints are taken. The county clerk, department of state
29 police, county sheriff, local police agency, or other entity shall

1 not provide a receipt under this subsection unless the individual
2 requesting the fingerprints provides an application receipt
3 received under subsection (1). A receipt under this subsection must
4 contain all of the following:

5 (a) The name of the individual.

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

7 (c) The amount paid.

8 (d) The name of the entity providing the fingerprint services.

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

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

22 (10) The fingerprints must be taken, under subsection (9), in
23 a manner prescribed by the department of state police. The county
24 clerk, county sheriff, local police agency, or other entity shall
25 immediately forward the fingerprints taken by that entity to the
26 department of state police for comparison with fingerprints already
27 on file with the department of state police. The department of
28 state police shall immediately forward the fingerprints to the
29 Federal Bureau of Investigation. Within 5 business days after

1 completing the verification under subsection (6), the department
2 shall send the county clerk a list of an individual's statutory
3 disqualifications under this act. Except as provided in section
4 5a(4), the county clerk shall not issue a concealed pistol license
5 until the county clerk receives the report of statutory
6 disqualifications prescribed in this subsection. If an individual's
7 fingerprints are not classifiable, the department of state police
8 shall, at no charge, take the individual's fingerprints again or
9 provide for the comparisons under this subsection to be conducted
10 through alternative means. The county clerk shall not issue a
11 notice of statutory disqualification because an individual's
12 fingerprints are not classifiable by the Federal Bureau of
13 Investigation.

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

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

21 (13) Subject to subsection (10), the department of state
22 police shall complete the verification required under subsection
23 (6) and the county clerk shall issue a license or a notice of
24 statutory disqualification not later than 45 days after the date
25 the individual has classifiable fingerprints taken under subsection
26 (9). The county clerk shall include an indication on the license if
27 an individual is exempt from the prohibitions against carrying a
28 concealed pistol on premises described in section 50 if the
29 applicant provides acceptable proof that the applicant qualifies

1 for that exemption. If the county clerk receives notice from a
2 county sheriff or chief law enforcement officer that a licensee is
3 no longer a member of a sheriff's posse, an auxiliary officer, or a
4 reserve officer, the county clerk shall notify the licensee that
5 the licensee shall surrender the concealed pistol license
6 indicating that the individual is exempt from the prohibitions
7 against carrying a concealed pistol on premises described in
8 section 5o. The licensee shall, not later than 30 days after
9 receiving notice from the county clerk, surrender the license
10 indicating that the individual is exempt from the prohibitions
11 against carrying a concealed pistol on premises described in
12 section 5o and obtain a replacement license after paying the fee
13 required under subsection (15). If the county clerk issues a notice
14 of statutory disqualification, the county clerk shall, not later
15 than 5 business days after that notice, do all of the following:

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

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

20 (ii) The source of the record for each statutory
21 disqualification identified.

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

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

27 (c) Inform the individual that the individual should contact
28 the source of the record for any statutory disqualification to
29 correct any errors in the record resulting in the statutory

1 disqualification.

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

10 (15) If an individual licensed under this act to carry a
11 concealed pistol moves to a different county within this state, the
12 individual's license remains valid until it expires or is otherwise
13 suspended or revoked under this act. An individual may notify a
14 county clerk that the individual has moved to a different address
15 within this state for the purpose of receiving the notice under
16 section 5l(1). A license to carry a concealed pistol that is lost,
17 stolen, defaced, or replaced for any other reason may be replaced
18 by the issuing county clerk for a replacement fee of \$10.00. A
19 county clerk shall deposit a replacement fee under this subsection
20 in the concealed pistol licensing fund of that county created in
21 section 5x.

22 (16) If a license issued under this act is suspended or
23 revoked, the license is forfeited and the individual shall return
24 the license to the county clerk forthwith by mail or in person. The
25 county clerk shall retain a suspended or revoked license as an
26 official record 1 year after the expiration of the license, unless
27 the license is reinstated or a new license is issued. The county
28 clerk shall notify the department of state police if a license is
29 suspended or revoked. The department of state police shall enter

1 that suspension or revocation into the law enforcement information
2 network. An individual who fails to return a license as required
3 under this subsection after the individual was notified that the
4 individual's license was suspended or revoked is guilty of a
5 misdemeanor punishable by imprisonment for not more than 93 days or
6 a fine of not more than \$500.00, or both.

7 (17) An applicant or an individual licensed under this act to
8 carry a concealed pistol may be furnished a copy of the
9 individual's application under this section upon request and the
10 payment of a reasonable fee not to exceed \$1.00. The county clerk
11 shall deposit any fee collected under this subsection in the
12 concealed pistol licensing fund of that county created in section
13 5x.

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

18 (19) A county clerk issuing an initial license or renewal
19 license under this act shall mail the license to the licensee by
20 first-class mail in a sealed envelope. Upon payment of the fee
21 under subsection (15), a county clerk shall issue a replacement
22 license in person at the time of application for a replacement
23 license. A county clerk may also deliver a replacement license by
24 first-class mail if the individual submits to the clerk a written
25 request and a copy of the individual's state-issued driver license
26 or personal identification card.

27 (20) A county clerk, county sheriff, county prosecuting
28 attorney, police department, or the department of state police is
29 not liable for civil damages as a result of issuing a license under

1 this act to an individual who later commits a crime or a negligent
2 act.

3 (21) An individual licensed under this act to carry a
4 concealed pistol may voluntarily surrender that license without
5 explanation. A county clerk shall retain a surrendered license as
6 an official record for 1 year after the license is surrendered. If
7 an individual voluntarily surrenders a license under this
8 subsection, the county clerk shall notify the department of state
9 police. The department of state police shall enter into the law
10 enforcement information network that the license was voluntarily
11 surrendered and the date the license was voluntarily surrendered.

12 (22) As used in this section:

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

14 (i) For a retired police officer or retired law enforcement
15 officer, the officer's retired identification or a letter from a
16 law enforcement agency stating that the retired police officer or
17 law enforcement officer retired in good standing.

18 (ii) For an individual who is employed or contracted by an
19 entity described under section 50(1) to provide security services,
20 a letter from that entity stating that the employee is required by
21 the employer or the terms of a contract to carry a concealed
22 firearm on the premises of the employing or contracting entity and
23 the individual's employee identification.

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

28 (iv) For an individual who is a corrections officer of a county
29 sheriff's department, the individual's employee identification and

1 a letter stating that the individual has received county sheriff
2 approved weapons training.

3 (v) For an individual who is a retired corrections officer of
4 a county sheriff's department, a letter from the county sheriff's
5 office stating that the retired corrections officer retired in good
6 standing and that the individual has received county sheriff
7 approved weapons training.

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

11 (vii) For an individual who is a member of a sheriff's posse,
12 the individual's identification.

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

16 (ix) For an individual who is a parole, probation, or
17 corrections officer, or absconder recovery unit member, of the
18 department of corrections, the individual's employee identification
19 and proof that the individual obtained a Michigan department of
20 corrections weapons permit.

21 (x) For an individual who is a retired parole, probation, or
22 corrections officer, or retired absconder recovery unit member, of
23 the department of corrections, a letter from the department of
24 corrections stating that the retired parole, probation, or
25 corrections officer, or retired absconder recovery unit member,
26 retired in good standing and proof that the individual obtained a
27 Michigan department of corrections weapons permit.

28 (xi) For a state court judge or state court retired judge, a
29 letter from the judicial tenure commission stating that the state

1 court judge or state court retired judge is in good standing.

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

4 (xiii) For a retired federal law enforcement officer, the
5 identification required under 18 USC 926C or a letter from a law
6 enforcement agency stating that the retired federal law enforcement
7 officer retired in good standing.

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

10 (b) "Convicted" means a final conviction, the payment of a
11 fine, a plea of guilty or nolo contendere if accepted by the court,
12 or a finding of guilt for a criminal law violation or a juvenile
13 adjudication or disposition by the juvenile division of probate
14 court or family division of circuit court for a violation that if
15 committed by an adult would be a crime.

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

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

27 (e) "Misdemeanor" means a violation of a penal law of this
28 state or violation of a local ordinance substantially corresponding
29 to a violation of a penal law of this state that is not a felony or

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

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

7 (g) "Veteran" means that term as defined in section 1 of 1965
 8 PA 190, MCL 35.61.

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

1 No other charge, fee, cost, or assessment, including any local
 2 charge, fee, cost, or assessment, is required of the applicant
 3 except as specifically authorized in this act. The applicant shall
 4 pay the application and licensing fee to the county. **A retired**
 5 **police officer, retired law enforcement officer, or veteran is not**
 6 **required to pay an application and licensing fee under this**
 7 **subsection.** The county treasurer shall deposit \$36.00 of each fee
 8 collected under this subsection in the concealed pistol licensing
 9 fund of that county created in section 5x. The county treasurer
 10 shall forward the balance remaining to the state treasurer. The
 11 state treasurer shall deposit the balance of the fee in the general
 12 fund to the credit of the department of state police.

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

1 **veteran is not required to pay an application and licensing fee**
2 **under this subsection.** The state treasurer shall forward \$36.00 of
3 each fee collected under this subsection to the county treasurer
4 who shall deposit the \$36.00 in the concealed pistol licensing fund
5 of that county created in section 5x. The state treasurer shall
6 deposit the balance of the fee in the general fund to the credit of
7 the department of state police. The department of state police
8 shall notify the county clerk of the county in which the applicant
9 resides of a properly submitted online application or application
10 by first-class mail received by the department. If the county clerk
11 issues a renewal license under this section, the county clerk shall
12 send the license to the licensee by first-class mail in a sealed
13 envelope. If the county clerk issues the renewal, the effective
14 date of the renewal license is the date of expiration of the
15 current license or the date of approval or issue of the renewal,
16 whichever is later, and the date of expiration is the applicant's
17 date of birth which is not less than 4 years or more than 5 years
18 from the effective date of the license.

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

1 system under subsection (2), the department of state police shall
 2 mail an applicant a receipt by first-class mail for ~~his or her~~ **the**
 3 **applicant's** renewal application submitted by first-class mail at
 4 the time the application is received by the department of state
 5 police. The receipt issued under this subsection to an individual
 6 applying for a renewal license whose current license is not expired
 7 at the time of application must contain all of the following:

8 (a) The name of the applicant.

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

10 (c) The amount paid.

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

13 (e) The statement "This receipt was issued for the purpose of
 14 renewal of a concealed pistol license. As provided in section 51 of
 15 1927 PA 372, MCL 28.4251, this receipt shall serve as a concealed
 16 pistol license for the individual named in the receipt when carried
 17 with the expired license and is valid until a license or notice of
 18 statutory disqualification is issued by the county clerk. This
 19 receipt does not exempt the individual named in the receipt from
 20 complying with all applicable laws for the purchase of firearms.".

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

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

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

27 (a) The name of the applicant.

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

29 (c) The amount paid.

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

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

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

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

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

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

1 (7) ~~(8)~~—The educational requirements under section 5b(7)(c)
2 are waived for an applicant who is a retired police officer, ~~or~~
3 retired law enforcement officer, **or veteran**.

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

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

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

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

29 (10) **As used in this section, "veteran" means that term as**

1 defined in section 1 of 1965 PA 190, MCL 35.61.