

SENATE BILL NO. 309

May 02, 2023, Introduced by Senators LINDSEY, LAUWERS, BELLINO, HOITENGA, THEIS, DAMOOSE, NESBITT, BUMSTEAD, OUTMAN and VICTORY and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, sections 5b and 5o as amended by 2017 PA 95, section 5g as amended by 2012 PA 123, section 12 as amended by 2010 PA 209, and section 15 as added by 2000 PA 265; 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 purchase ~~, carry, possess, or transport~~ a pistol in this
3 state without first having obtained a license for the pistol as
4 prescribed in this section.

5 ~~(2) A person who brings a pistol into this state who is on~~
6 ~~leave from active duty with the armed forces of the United States~~
7 ~~or who has been discharged from active duty with the armed forces~~
8 ~~of the United States shall obtain a license for the pistol within~~
9 ~~30 days after his or her arrival in this state.~~

10 (2) ~~(3)~~ The commissioner or chief of police of a city,
11 township, or village police department that issues licenses to
12 purchase ~~, carry, possess, or transport~~ pistols, or ~~his or her~~ **the**
13 **commissioner's or chief's** duly authorized deputy, or the sheriff or
14 ~~his or her~~ **the sheriff's** duly authorized deputy, in the parts of a
15 county not included within a city, township, or village having an
16 organized police department, in discharging the duty to issue
17 licenses shall with due speed and diligence issue licenses to
18 purchase ~~, carry, possess, or transport~~ pistols to qualified
19 applicants unless ~~he or she~~ **the individual** has probable cause to
20 believe that the applicant would be a threat to ~~himself or herself~~
21 **the applicant** or to other individuals, or would commit an offense
22 with the pistol that would violate a law of this or another state

1 or of the United States. An applicant is qualified if all of the
2 following circumstances exist:

3 (a) The ~~person~~**individual** is not subject to an order or
4 disposition for which ~~he or she~~**the individual** has received notice
5 and an opportunity for a hearing, and which was entered into the
6 law enforcement information network 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, or section 444a of former 1978 PA
11 642.

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

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

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

17 (vi) Section 6b of chapter V of the code of criminal procedure,
18 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
19 section 6b(3) of chapter V of the code of criminal procedure, 1927
20 PA 175, MCL 765.6b.

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

23 (b) The ~~person~~**individual** is 18 years of age or older or, if
24 the seller is licensed under 18 USC 923, is 21 years of age or
25 older.

26 (c) The ~~person~~**individual** is a citizen of the United States or
27 an alien lawfully admitted into the United States and is a legal
28 resident of this state. For the purposes of this section, ~~a person~~
29 **an individual** is considered a legal resident of this state if any

1 of the following apply:

2 (i) The ~~person~~**individual** has a valid, lawfully obtained
3 Michigan driver license issued under the Michigan vehicle code,
4 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
5 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

6 (ii) The ~~person~~**individual** is lawfully registered to vote in
7 this state.

8 (iii) The ~~person~~**individual** is on active duty status with the
9 United States ~~armed forces~~**Armed Forces** and is stationed outside of
10 this state, but the ~~person's~~**individual's** home of record is in this
11 state.

12 (iv) The ~~person~~**individual** is on active duty status with the
13 United States ~~armed forces~~**Armed Forces** and is permanently
14 stationed in this state, but the ~~person's~~**individual's** home of
15 record is in another state.

16 (d) A felony charge or a criminal charge listed in section 5b
17 against the ~~person~~**individual** is not pending at the time of
18 application.

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

23 (f) The ~~person~~**individual** has not been adjudged insane in this
24 state or elsewhere unless ~~he or she~~**the individual** has been
25 adjudged restored to sanity by court order.

26 (g) The ~~person~~**individual** is not under an order of involuntary
27 commitment in an inpatient or outpatient setting due to mental
28 illness.

29 (h) The ~~person~~**individual** has not been adjudged legally

1 incapacitated in this state or elsewhere. This subdivision does not
 2 apply to ~~a person~~ **an individual** who has had ~~his or her~~ **the**
 3 **individual's** legal capacity restored by order of the court.

4 ~~(3) (4) Applications~~ **An applicant** for licenses ~~a license~~ under
 5 this section shall ~~be signed by the applicant~~ **sign the application**
 6 under oath ~~upon forms~~ **on a form** provided by the director of the
 7 department of state police. ~~Licenses~~ **A licensing authority shall**
 8 **issue a license** to purchase, ~~carry, possess, or transport~~ pistols
 9 ~~shall be executed in triplicate upon forms~~ **on a form** provided by
 10 the director of the department of state police. ~~and shall be signed~~
 11 ~~by the~~ **The licensing authority shall sign any license issued under**
 12 **this section.** ~~Three~~ **The licensing authority shall deliver 3** copies
 13 of the license ~~shall be delivered to the applicant.~~ ~~by the~~
 14 ~~licensing authority.~~ A license is void unless used within 30 days
 15 after the date it is issued.

16 ~~(4) (5)~~ If an individual purchases or otherwise acquires a
 17 pistol, the seller shall fill out the license forms describing the
 18 pistol, together with the date of sale or acquisition, and sign ~~his~~
 19 ~~or her~~ **the seller's** name in ink indicating that the pistol was sold
 20 to or otherwise acquired by the purchaser. The purchaser shall also
 21 sign ~~his or her~~ **the purchaser's** name in ink indicating the purchase
 22 or other acquisition of the pistol from the seller. The seller may
 23 retain a copy of the license as a record of the transaction. The
 24 purchaser shall receive 2 copies of the license. The purchaser
 25 shall return 1 copy of the license to the licensing authority
 26 within 10 days after the date the pistol is purchased or acquired.
 27 The return of the copy to the licensing authority may be made in
 28 person or may be made by first-class mail or certified mail sent
 29 within the 10-day period to the proper address of the licensing

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

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

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

3 (6) ~~(7)~~—This section does not apply to the purchase of pistols
4 from wholesalers by dealers regularly engaged in the business of
5 selling pistols at retail, or to the sale, barter, or exchange of
6 pistols kept as relics or curios not made for modern ammunition or
7 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 registered with this state. An individual who has
12 inherited a pistol shall obtain a license as required in this
13 section within 30 days ~~of~~ **after** taking physical possession of the
14 pistol. The license may be signed by a next of kin of the decedent
15 or the person authorized to dispose of property under the estates
16 and protected individuals code, 1998 PA 386, MCL 700.1101 to
17 700.8206, including when the next of kin is the individual
18 inheriting the pistol. 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 pistol 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 ~~he or she~~ **the**
27 **person** takes temporary lawful possession of the pistol in the
28 process of disposing of the pistol pursuant to the decedent's
29 testamentary bequest or the laws of intestacy. A law enforcement

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

21 (a) "Devisee" means that term as defined in section 1103 of
 22 the estates and protected individuals code, 1998 PA 386, MCL
 23 700.1103.

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

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

29 (a) The individual is licensed in ~~his or her~~**the individual's**

1 state of residence to purchase, carry, or transport a pistol.

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

4 (c) The individual is the owner of the pistol ~~he or she~~ **the**
5 **individual** possesses, carries, or transports.

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

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

9 **(9)** ~~(10)~~—An individual who is a nonresident of this state
10 shall present the license described in subsection ~~(9)(a)~~ **(8)(a)**
11 upon the demand of a police officer. An individual who violates
12 this subsection is guilty of a misdemeanor punishable by
13 imprisonment for not more than 90 days or a fine of not more than
14 \$100.00, or both.

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

18 (a) The ~~person's~~ **individual's** home of record.

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

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

24 (a) The ~~person~~ **individual** is not otherwise prohibited from
25 possessing that pistol.

26 (b) The ~~person~~ **individual** is at a recognized target range.

27 (c) The ~~person~~ **individual** possesses the pistol for the purpose
28 of target practice or instruction in the safe use of a pistol.

29 (d) The ~~person~~ **individual** is in the physical presence and

1 under the direct supervision of any of the following:

2 (i) The ~~person's~~**individual's** parent.

3 (ii) The ~~person's~~**individual's** guardian.

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

9 (e) The owner of the pistol is physically present.

10 **(12)** ~~(13)~~ This section does not apply to a ~~person~~**-an**
11 **individual** who possesses a pistol if all of the following
12 conditions apply:

13 (a) The ~~person~~**individual** is not otherwise prohibited from
14 possessing a pistol.

15 (b) The ~~person~~**individual** is at a recognized target range or
16 shooting facility.

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

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

21 **(13)** ~~(14)~~ A person who forges any matter on an application for
22 a license under this section is guilty of a felony, punishable by
23 imprisonment for not more than 4 years or a fine of not more than
24 \$2,000.00, or both.

25 **(14)** ~~(15)~~ A licensing authority shall implement this section
26 during all of the licensing authority's normal business hours and
27 shall set hours for implementation that allow an applicant to use
28 the license within the time period set forth in subsection ~~(4)~~**.(3)**.

29 Sec. 2a. (1) The following individuals are not required to

1 obtain a license under section 2 to purchase ~~, carry, possess, use,~~
 2 ~~or transport~~ a pistol:

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

7 (b) A federally licensed firearms dealer.

8 (c) An individual who purchases a pistol from a federally
 9 licensed firearms dealer in compliance with 18 USC 922(t).

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

13 (2) If an individual described in subsection (1) purchases or
 14 otherwise acquires a pistol, the seller shall complete a record in
 15 triplicate on a form provided by the department of state police ~~-~~
 16 ~~The record shall include~~ **that includes** the purchaser's concealed
 17 weapon license number, the number of the purchaser's license or
 18 certificate issued under the Michigan commission on law enforcement
 19 standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the
 20 purchaser is a federally licensed firearms dealer, ~~his or her~~ **the**
 21 dealer license number. If the purchaser is not licensed under
 22 section 5b or does not have a license or certificate issued under
 23 the Michigan commission on law enforcement standards act, 1965 PA
 24 203, MCL 28.601 to 28.615, and is not a federally licensed firearms
 25 dealer, the record ~~shall~~ **must** include the dealer license number of
 26 the federally licensed firearms dealer ~~who~~ **that** is selling the
 27 pistol. The purchaser shall sign the record. The seller may retain
 28 1 copy of the record. The purchaser shall receive 2 copies of the
 29 record and forward 1 copy to the police department of the city,

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

15 (3) Within 10 days after receiving the record copy returned
16 under subsection (2), the police department or county sheriff shall
17 electronically enter the information into the pistol entry database
18 as required by the department of state police if it has the ability
19 to electronically enter that information. If the police department
20 or county sheriff does not have that ability, the police department
21 or county sheriff shall provide that information to the department
22 of state police in a manner otherwise required by the department of
23 state police. Any police department or county sheriff that provided
24 pistol descriptions to the department of state police under former
25 section 9 of this act shall continue to provide pistol descriptions
26 to the department of state police under this subsection. Within 48
27 hours after entering or otherwise providing the information on the
28 record copy returned under subsection (2) to the department of
29 state police, the police department or county sheriff shall forward

1 the copy of the record to the department of state police. The
2 purchaser has the right to obtain a copy of the information placed
3 in the pistol entry database under this subsection to verify the
4 accuracy of that information. The police department or county
5 sheriff may charge a fee not to exceed \$1.00 for the cost of
6 providing the copy. The purchaser may carry, use, possess, and
7 transport the pistol for 30 days beginning on the date of purchase
8 or acquisition only while he or she is in possession of his or her
9 copy of the record. However, the person is not required to have the
10 record in ~~his or her~~ **the person's** possession while carrying, using,
11 possessing, or transporting the pistol after this period.

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

14 (5) An individual who makes a material false statement on a
15 sales record under this section is guilty of a felony punishable by
16 imprisonment for not more than 4 years or a fine of not more than
17 \$2,500.00, or both.

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

20 (7) The Michigan commission on law enforcement standards shall
21 provide license or certificate information, as applicable, to the
22 department of state police to verify the requirements of this
23 section.

24 (8) As used in this section:

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

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

29 Sec. 5b. (1) To obtain a license to carry a concealed pistol,

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

29 (a) The applicant's legal name, date of birth, the address of

1 ~~his or her~~ **the applicant's** primary residence, and ~~his or her~~ **the**
2 **applicant's** state-issued driver license or personal identification
3 card number.

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

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

9 (d) A statement by the applicant regarding whether ~~he or she~~
10 **the applicant** has a history of mental illness that would disqualify
11 ~~him or her~~ **the applicant** under subsection (7)(j) to (l) from
12 receiving a license to carry a concealed pistol.

13 (e) A statement by the applicant regarding whether ~~he or she~~
14 **the applicant** has ever been convicted in this state or elsewhere
15 for any of the following:

16 (i) Any felony.

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

23 (f) A statement by the applicant whether ~~he or she~~ **the**
24 **applicant** has been dishonorably discharged from the United States
25 Armed Forces.

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

29 (h) A certificate stating that the applicant has completed the

1 training course prescribed by this act.

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

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

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

20 (5) Each applicant shall pay a nonrefundable application and
21 licensing fee of \$100.00 by any method of payment accepted by that
22 county for payments of other fees and penalties. Except as provided
23 in subsection (9), no other charge, fee, cost, or assessment,
24 including any local charge, fee, cost, or assessment, is required
25 of the applicant except as specifically authorized in this act. The
26 applicant shall pay the application and licensing fee to the
27 county. The county treasurer shall deposit \$26.00 of each
28 application and licensing fee collected under this section in the
29 concealed pistol licensing fund of that county created in section

1 5x. The county treasurer shall forward the balance remaining to the
2 state treasurer. The state treasurer shall deposit the balance of
3 the fee in the general fund to the credit of the department of
4 state police. The department of state police shall use the money
5 received under this act to process the fingerprints and to
6 reimburse the Federal Bureau of Investigation for the costs
7 associated with processing fingerprints submitted under this act.
8 The balance of the money received under this act must be credited
9 to the department of state police.

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

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

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

21 (b) The applicant is a citizen of the United States or is an
22 alien lawfully admitted into the United States, is a legal resident
23 of this state, and has resided in this state for not less than the
24 6 months immediately preceding the date of application. The county
25 clerk shall waive the 6-month residency requirement for an
26 emergency license under section 5a(4) if the applicant is a
27 petitioner for a personal protection order issued under section
28 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
29 MCL 600.2950 and 600.2950a, or if the county sheriff determines

1 that there is clear and convincing evidence to believe that the
2 safety of the applicant or the safety of a member of the
3 applicant's family or household is endangered by the applicant's
4 inability to immediately obtain a license to carry a concealed
5 pistol. If the applicant holds a valid concealed pistol license
6 issued by another state at the time the applicant's residency in
7 this state is established, the county clerk shall waive the 6-month
8 residency requirement and the applicant may apply for a concealed
9 pistol license at the time the applicant's residency in this state
10 is established. For the purposes of this section, an individual is
11 considered a legal resident of this state if any of the following
12 apply:

13 (i) The individual has a valid, lawfully obtained driver
14 license issued under the Michigan vehicle code, 1949 PA 300, MCL
15 257.1 to 257.923, or official state personal identification card
16 issued under 1972 PA 222, MCL 28.291 to 28.300.

17 (ii) The individual is lawfully registered to vote in this
18 state.

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

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

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

29 (d) Based solely on the report received from the department of

1 state police under subsection (6), the applicant is not the subject
2 of an order or disposition under any of the following:

3 (i) Section 464a of the mental health code, 1974 PA 258, MCL
4 330.1464a.

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

7 (iii) Sections 2950 and 2950a of the revised judicature act of
8 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

9 (iv) Section 6b of chapter V of the code of criminal procedure,
10 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
11 section 6b(3) of chapter V of the code of criminal procedure, 1927
12 PA 175, MCL 765.6b.

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

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

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

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

28 (h) Based solely on the report received from the department of
29 state police under subsection (6), the applicant has not been

1 convicted of a misdemeanor violation of any of the following in the
2 8 years immediately preceding the date of application and a charge
3 for a misdemeanor violation of any of the following is not pending
4 against the applicant in this state or elsewhere at the time ~~he or~~
5 ~~she~~ **the applicant** applies for a license described in this section:

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

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

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

22 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
23 290.650 (hindering, obstructing, assaulting, or committing bodily
24 injury upon director or authorized representative).

25 (v) Section 80176 as punishable under section 80177(1)(b)
26 (operating vessel under the influence of intoxicating liquor or a
27 controlled substance, second offense), section 81134 as punishable
28 under subsection (8)(b) of that section (operating ORV under the
29 influence of intoxicating liquor or a controlled substance, second

1 or subsequent offense), or section 82127 as punishable under
2 section 82128(1)(b) (operating snowmobile under the influence of
3 intoxicating liquor or a controlled substance, second offense) of
4 the natural resources and environmental protection act, 1994 PA
5 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

6 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
7 333.7403 (possession of controlled substance, controlled substance
8 analogue, or prescription form).

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

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

15 (ix) Section 81 (assault or domestic assault), section 81a(1)
16 or (2) (aggravated assault or aggravated domestic assault), section
17 115 (breaking and entering or entering without breaking), section
18 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
19 abuse), section 157b(3)(b) (solicitation to commit a felony),
20 section 215 (impersonating peace officer or medical examiner),
21 section 223 (illegal sale of a firearm or ammunition), section 224d
22 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
23 ~~or possession of a switchblade), section 227c (improper~~
24 ~~transportation of a loaded firearm),~~ section 229 (accepting a
25 pistol in pawn), section 232a (improperly obtaining a pistol,
26 making a false statement on an application to purchase a pistol, or
27 using false identification to purchase a pistol), section 233
28 (intentionally aiming a firearm without malice), section 234
29 (intentionally discharging a firearm aimed without malice), ~~section~~

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

17 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 18 ~~328.~~

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

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

28 (i) Based solely on the report received from the department of
 29 state police under subsection (6), the applicant has not been

1 convicted of a misdemeanor violation of any of the following in the
2 3 years immediately preceding the date of application unless the
3 misdemeanor violation is listed under subdivision (h) and a charge
4 for a misdemeanor violation of any of the following is not pending
5 against the applicant in this state or elsewhere at the time ~~he or~~
6 ~~she~~ **the applicant** applies for a license described in this section:

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

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

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

23 (iv) Part 74 of the public health code, 1978 PA 368, MCL
24 333.7401 to 333.7461 (controlled substance violation).

25 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
26 462.353, punishable under subsection (3) of that section (operating
27 locomotive under the influence).

28 (vi) Section 167 (disorderly person), section 174
29 (embezzlement), section 218 (false pretenses with intent to

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

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

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

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

24 (l) The applicant has filed a statement under subsection (1)(d)
25 that the applicant does not have a diagnosis of mental illness that
26 includes an assessment that the individual presents a danger to
27 ~~himself or herself~~ **the individual** or to another **individual** at the
28 time the application is made, regardless of whether ~~he or she~~ **the**
29 **individual** is receiving treatment for that illness.

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

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

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

17 (9) An individual, after submitting an application and paying
18 the fee prescribed under subsection (5), shall request that
19 classifiable fingerprints be taken by a county clerk, the
20 department of state police, a county sheriff, a local police
21 agency, or other entity, if the county clerk, department of state
22 police, county sheriff, local police agency, or other entity
23 provides fingerprinting capability for the purposes of this act. An
24 individual who has had classifiable fingerprints taken under
25 section 5a(4) does not need additional fingerprints taken under
26 this subsection. If the individual requests that classifiable
27 fingerprints be taken by the county clerk, department of state
28 police, county sheriff, a local police agency, or other entity, the
29 individual shall also pay a fee of \$15.00 by any method of payment

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

- 21 (a) The name of the individual.
22 (b) The date and time the receipt is issued.
23 (c) The amount paid.
24 (d) The name of the entity providing the fingerprint services.
25 (e) The individual's state-issued driver license or personal
26 identification card number.
27 (f) The statement "This receipt was issued for the purpose of
28 applying for a concealed pistol license. As provided in section 5b
29 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory

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

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

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

5 (12) A license to carry a concealed pistol that is issued
6 based ~~upon~~**on** an application that contains a material false
7 statement is void from the date the license is issued.

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

1 issues a notice of statutory disqualification, the county clerk
2 shall ~~within~~ **not later than** 5 business days do all of the
3 following:

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

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

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

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

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

15 (c) Inform the individual that ~~he or she~~ **the individual** should
16 contact the source of the record for any statutory disqualification
17 to correct any errors in the record resulting in the statutory
18 disqualification.

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

27 (15) If an individual licensed under this act to carry a
28 concealed pistol moves to a different county within this state, ~~his~~
29 ~~or her~~ **the individual's** license remains valid until it expires or

1 is otherwise suspended or revoked under this act. An individual may
2 notify a county clerk that ~~he or she~~ **the individual** has moved to a
3 different address within this state for the purpose of receiving
4 the notice under section 51(1). A license to carry a concealed
5 pistol that is lost, stolen, defaced, or replaced for any other
6 reason may be replaced by the issuing county clerk for a
7 replacement fee of \$10.00. A county clerk shall deposit a
8 replacement fee under this subsection in the concealed pistol
9 licensing fund of that county created in section 5x.

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

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

1 5x.

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

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

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

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

29 (22) As used in this section:

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

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

6 (ii) For an individual who is employed or contracted by an
7 entity described under section 50(1) to provide security services,
8 a letter from that entity stating that the employee is required by
9 ~~his or her~~ **the** employer or the terms of a contract to carry a
10 concealed firearm on the premises of the employing or contracting
11 entity and ~~his or her~~ **the individual's** employee identification.

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

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

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

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

28 (vii) For an individual who is a member of a sheriff's posse,
29 ~~his or her~~ **the individual's** identification.

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

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

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

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

19 (xii) For an individual who is a court officer, ~~his or her~~ **the**
20 **individual's** employee identification.

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

26 (xiv) For an individual who is a peace officer, ~~his or her~~ **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, or marine~~
3 ~~corps.~~ **Army, Air Force, Navy, Space Force, or 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, armed forces reserves,~~ **National Guard,**
7 **United States Armed Forces Reserves,** or other duly authorized
8 military organization.

9 (e) A member of an entity or organization described in
10 subdivisions (a) through (d) for a pistol while engaged in the
11 course of ~~his or her~~ **the individual's** duties with that entity or
12 while going to or returning from those duties.

13 (f) A United States citizen holding a license to carry a
14 pistol concealed upon ~~his or her~~ **that** person issued by another
15 state.

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

19 (h) Purchasing, owning, carrying, possessing, using, or
20 transporting an antique firearm. As used in this subdivision,
21 "antique firearm" means that term as defined in section ~~231a-237a~~
22 of the Michigan penal code, 1931 PA 328, MCL ~~750-231a-750.237a.~~

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

29 (2) The amendatory act that added subsection (1) (h) ~~shall~~ **may**

1 be known ~~and may be cited~~ as the "Janet Kukuk act".

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

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

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

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

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

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

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

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

25 (c) The sale of an antique firearm. As used in this
26 subdivision, "antique firearm" means that term as defined in
27 section ~~231a-237a~~ **237a** of the Michigan penal code, 1931 PA 328, MCL
28 ~~750.231a-750.237a~~ **750.237a**.

29 (d) The sale or transfer of a firearm if the seller is not a

1 federally licensed firearms dealer.

2 (3) A federally licensed firearms dealer shall not sell a
3 firearm in this state unless the firearm is accompanied with, free
4 of charge, a brochure or pamphlet that includes safety information
5 on the use and storage of the firearm in a home environment.

6 (4) Upon the sale of a firearm, a federally licensed firearms
7 dealer shall sign a statement and require the purchaser to sign a
8 statement stating that the sale is in compliance with subsections
9 (1), (2), and (3).

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

14 (6) A federally licensed firearms dealer in this state shall
15 post in a conspicuous manner at the entrances, exits, and all
16 points of sale on the premises where firearms are sold a notice
17 that says the following: "You may be criminally and civilly liable
18 for any harm caused by a person less than 18 years of age who
19 lawfully gains unsupervised access to your firearm if unlawfully
20 stored.".

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

25 (8) This section does not create a civil action or liability
26 for damages arising from the use or misuse of a firearm or
27 ammunition for a person, other than a federally licensed firearms
28 dealer, who produces a firearm or ammunition.

29 (9) Subject to subsections (10) to (12), a political

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

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

10 (a) A breach of contract, other contract issue, or an action
11 based on a provision of the uniform commercial code, 1962 PA 174,
12 MCL 440.1101 to ~~440.11102~~, ~~440.9994~~, in which the political
13 subdivision is the purchaser and owner of the firearm or
14 ammunition.

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

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

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

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

28 (b) Failure to warn the purchaser, transferee, or user of the
29 firearm's or ammunition's inherent potential to cause injury,

1 damage, or death.

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

6 (12) Subsections (9) ~~through to~~ (11) do not create a civil
7 action.

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

12 (14) Beginning September 1, 2000, a person who violates this
13 section is guilty of a crime as follows:

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

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

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

23 (15) As used in this section:

24 (a) "Federally licensed firearms dealer" means a person
25 licensed under ~~section 923 of title 18 of the United States Code,~~
26 ~~18 U.S.C.—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. This amendatory act does not take effect
11 unless Senate Bill No. 308 of the 102nd Legislature is enacted into
12 law.

13 Enacting section 2. Section 5f of 1927 PA 327, MCL 28.425f, is
14 repealed.