

SUBSTITUTE FOR
SENATE BILL NO. 789

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 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425o, and 28.428), section 1 as amended by 2012 PA 243, section 2a as amended by 2013 PA 3, section 4 as amended by 2014 PA 6, sections 5, 5a, and 5e as added by 2000 PA 381, sections 5b and

8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, sections 5f, 5k, and 5o as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL
4 761.1, or a violation of a law of the United States or another
5 state that is designated as a felony or that is punishable by death
6 or by imprisonment for more than 1 year.

7 (b) "Firearm" means a weapon from which a dangerous projectile
8 may be propelled by an explosive, or by gas or air. Firearm does
9 not include a smooth bore rifle or handgun designed and
10 manufactured exclusively for propelling by a spring, or by gas or
11 air, BBs not exceeding .177 caliber.

12 (c) "Misdemeanor" means a violation of a penal law of this
13 state or violation of a local ordinance substantially corresponding
14 to a violation of a penal law of this state that is not a felony or
15 a violation of an order, rule, or regulation of a state agency that
16 is punishable by imprisonment or a fine that is not a civil fine,
17 or both.

18 (d) "Peace officer" means, except as otherwise provided in
19 this act, an individual who is employed as a law enforcement
20 officer, as that term is defined under section 2 of the commission
21 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
22 state or another state, a political subdivision of this state or

1 another state, or the United States, and who is required to carry a
2 firearm in the course of his or her duties as a law enforcement
3 officer.

4 (e) "Pistol" means a loaded or unloaded firearm that is 26
5 inches or less in length, or a loaded or unloaded firearm that by
6 its construction and appearance conceals it as a firearm.

7 (f) "Purchaser" means a person who receives a pistol from
8 another person by purchase or gift.

9 (g) "Reserve peace officer", "auxiliary officer", or "reserve
10 officer" means, except as otherwise provided in this act, an
11 individual authorized on a voluntary or irregular basis by a duly
12 authorized police agency of this state or a political subdivision
13 of this state to act as a law enforcement officer, who is
14 responsible for the preservation of the peace, the prevention and
15 detection of crime, and the enforcement of the general criminal
16 laws of this state, and who is otherwise eligible to possess a
17 firearm under this act.

18 (h) "Retired police officer" or "retired law enforcement
19 officer" means an individual who was a police officer or law
20 enforcement officer who was certified as described under section 9a
21 of the commission on ~~the~~ law enforcement standards act, 1965 PA
22 203, MCL 28.609a, and retired in good standing from his or her
23 employment as a police officer or law enforcement officer. **A POLICE
24 OFFICER OR LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING IF HE
25 OR SHE RECEIVES A PENSION OR OTHER RETIREMENT BENEFIT FOR HIS OR
26 HER SERVICE AS A POLICE OFFICER OR LAW ENFORCEMENT OFFICER OR HAS
27 ACTIVELY MAINTAINED A MICHIGAN COMMISSION ON LAW ENFORCEMENT**

1 **STANDARDS OR EQUIVALENT STATE CERTIFICATION FOR 15 OR MORE**
2 **CONSECUTIVE YEARS.**

3 (i) "Seller" means a person who sells or gives a pistol to
4 another person.

5 (j) "State court judge" means a judge of the district court,
6 circuit court, probate court, or court of appeals or justice of the
7 supreme court of this state who is serving either by election or
8 appointment.

9 (k) "State court retired judge" means a judge or justice
10 described in subdivision (j) who is retired, or a retired judge of
11 the recorders court.

12 (2) A person may lawfully own, possess, carry, or transport as
13 a pistol a firearm greater than 26 inches in length if all of the
14 following conditions apply:

15 (a) The person registered the firearm as a pistol under
16 section 2 or 2a before January 1, 2013.

17 (b) The person who registered the firearm as described in
18 subdivision (a) has maintained registration of the firearm since
19 January 1, 2013 without lapse.

20 (c) The person possesses a copy of the license or record
21 issued to him or her under section 2 or 2a.

22 (3) A person who satisfies all of the conditions listed under
23 subsection (2) nevertheless may elect to have the firearm not be
24 considered to be a pistol. A person who makes the election under
25 this subsection shall notify the department of state police of the
26 election in a manner prescribed by that department.

27 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 A TEMPORARY LICENSE ISSUED UNDER SECTION 5A(4)**
5 **OR A RECEIPT SERVING AS A CONCEALED PISTOL LICENSE UNDER SECTION**
6 **5B(9) OR 5/(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 (2) If an individual described in subsection (1) purchases or
11 otherwise acquires a pistol, the seller shall complete a record in
12 triplicate on a form provided by the department of state police.
13 The record shall include the purchaser's concealed weapon license
14 number or, if the purchaser is a federally licensed firearms
15 dealer, his or her dealer license number. If the purchaser is not
16 licensed under section 5b and is not a federally licensed firearms
17 dealer, the record shall include the dealer license number of the
18 federally licensed firearms dealer who is selling the pistol. The
19 purchaser shall sign the record. The seller may retain 1 copy of
20 the record. The purchaser shall receive 2 copies of the record and
21 forward 1 copy to the police department of the city, village, or
22 township in which the purchaser resides, or, if the purchaser does
23 not reside in a city, village, or township having a police
24 department, to the county sheriff, within 10 days following the
25 purchase or acquisition. The return of the copy to the police
26 department or county sheriff may be made in person or may be made
27 by first-class mail or certified mail sent within the 10-day period

1 to the proper address of the police department or county sheriff. A
2 purchaser who fails to comply with the requirements of this
3 subsection is responsible for a state civil infraction and may be
4 fined not more than \$250.00. If a purchaser is found responsible
5 for a state civil infraction under this subsection, the court shall
6 notify the department of state police. If the purchaser is licensed
7 under section 5b, the court shall notify the licensing authority of
8 that determination.

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

1 sheriff may charge a fee not to exceed \$1.00 for the cost of
2 providing the copy. The purchaser may carry, use, possess, and
3 transport the pistol for 30 days beginning on the date of purchase
4 or acquisition only while he or she is in possession of his or her
5 copy of the record. However, the person is not required to have the
6 record in his or her possession while carrying, using, possessing,
7 or transporting the pistol after this period.

8 (4) This section does not apply to a person or entity exempt
9 under section 2(7).

10 (5) An individual who makes a material false statement on a
11 sales record under this section is guilty of a felony punishable by
12 imprisonment for not more than 4 years or a fine of not more than
13 \$2,500.00, or both.

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

16 (7) As used in this section:

17 (a) Before December 18, 2012, "federally licensed firearms
18 dealer" means an individual who holds a type 01 dealer license
19 under 18 USC 923.

20 (b) Beginning December 18, 2012, "federally licensed firearms
21 dealer" means a person licensed to sell firearms under 18 USC 923.

22 (c) "Person" means an individual, partnership, corporation,
23 association, or other legal entity.

24 Sec. 4. (1) A person who is prohibited from possessing, using,
25 transporting, selling, purchasing, carrying, shipping, receiving,
26 or distributing a firearm under section 224f(2) of the Michigan
27 penal code, 1931 PA 328, MCL 750.224f, may apply to the ~~concealed~~

1 ~~weapons licensing board~~ **CIRCUIT COURT** in the county in which he or
2 she resides for restoration of those rights.

3 (2) A person who is prohibited from possessing, using,
4 transporting, selling, carrying, shipping, or distributing
5 ammunition under section 224f(4) of the Michigan penal code, 1931
6 PA 328, MCL 750.224f, may apply to the ~~concealed weapons licensing~~
7 ~~board~~ **CIRCUIT COURT** in the county in which he or she resides for
8 restoration of those rights.

9 (3) Not more than 1 application may be submitted under
10 subsection (1) or (2) in any calendar year. The ~~concealed weapons~~
11 ~~licensing board~~ **CIRCUIT COURT** may charge a fee ~~of not more than~~
12 ~~\$10.00 for the actual and necessary expenses of each application.~~ **AS**
13 **PROVIDED IN SECTION 2529 OF THE REVISED JUDICATURE ACT OF 1961,**
14 **1961 PA 236, MCL 600.2529.**

15 (4) The ~~concealed weapons licensing board~~ **CIRCUIT COURT** shall,
16 by written order, ~~of the board,~~ restore the rights of a person to
17 possess, use, transport, sell, purchase, carry, ship, receive, or
18 distribute a firearm or to possess, use, transport, sell, carry,
19 ship, or distribute ammunition if the ~~board~~ **CIRCUIT COURT**
20 determines, by clear and convincing evidence, that all of the
21 following circumstances exist:

22 (a) The person properly submitted an application for
23 restoration of those rights as provided under this section.

24 (b) The expiration of 5 years after all of the following
25 circumstances:

26 (i) The person has paid all fines imposed for the violation
27 resulting in the prohibition.

1 (ii) The person has served all terms of imprisonment imposed
2 for the violation resulting in the prohibition.

3 (iii) The person has successfully completed all conditions of
4 probation or parole imposed for the violation resulting in the
5 prohibition.

6 (c) The person's record and reputation are such that the
7 person is not likely to act in a manner dangerous to the safety of
8 other persons.

9 ~~(5) If the concealed weapons licensing board under subsection~~
10 ~~(4) refuses to restore a right under this section, the person may~~
11 ~~petition the circuit court for review of that decision.~~

12 Sec. 5. (1) County ~~sheriffs, local police agencies, and county~~
13 clerks shall provide concealed pistol application kits during
14 normal business hours and free of charge to individuals who wish to
15 apply for licenses to carry concealed pistols. Each kit shall only
16 contain all of the following:

17 (a) A concealed pistol license application form provided by
18 the director of the department of state police.

19 (b) The fingerprint cards ~~required~~ under section
20 ~~5b(11)-5B(10), IF REQUIRED.~~

21 (c) Written information regarding the procedures involved in
22 obtaining a license to carry a concealed pistol. ~~, including~~
23 ~~information regarding the right to appeal the denial of a license~~
24 ~~and the form required for that appeal.~~

25 (d) Written information identifying entities that offer the
26 training required under section 5b(7)(c), **IF MAINTAINED BY THE**
27 **COUNTY CLERK.**

1 (2) A ~~county sheriff, local police agency, or county clerk~~
 2 shall not deny an individual the right to receive a concealed
 3 pistol application kit under this section.

4 (3) An individual who is denied an application kit under this
 5 section and obtains an order of mandamus directing the ~~concealed~~
 6 ~~weapon licensing board~~ **COUNTY CLERK** to provide him or her with the
 7 application kit shall be awarded his or her actual and reasonable
 8 costs and attorney fees for obtaining the order.

9 (4) The department of state police shall provide the
 10 application kits required under this section to ~~county sheriffs,~~
 11 ~~local law enforcement agencies, and county clerks in sufficient~~
 12 ~~quantities to meet demand.~~ **ELECTRONIC FORMAT.** The department of
 13 state police shall not charge a fee for the kits.

14 Sec. 5a. ~~(1) Each county shall have a concealed weapon~~
 15 ~~licensing board. The concealed weapon licensing board of each~~
 16 ~~county shall have the following members:~~

17 ~~—— (a) The county prosecuting attorney or his or her designee.~~
 18 ~~However, if the county prosecuting attorney decides that he or she~~
 19 ~~does not want to be a member of the concealed weapon licensing~~
 20 ~~board, he or she shall notify the county board of commissioners in~~
 21 ~~writing that he or she does not want to be a member of the~~
 22 ~~concealed weapon licensing board for the balance of his or her term~~
 23 ~~in office. The county board of commissioners shall then appoint a~~
 24 ~~replacement for the prosecuting attorney who is a firearms~~
 25 ~~instructor who has the qualifications prescribed in section~~
 26 ~~5j(1)(c). The person who replaces the prosecuting attorney shall~~
 27 ~~serve on the concealed weapon licensing board in place of the~~

~~prosecuting attorney for the remaining term of the county
prosecuting attorney unless removed for cause by the county board
of commissioners. If a vacancy occurs on the concealed weapon
licensing board of the person appointed pursuant to this section
during the term of office of the county prosecuting attorney, the
county board of commissioners shall appoint a replacement person
who is a firearms instructor who has the qualifications prescribed
in section 5j(1)(c).~~

~~—— (b) The county sheriff or his or her designee.~~

~~—— (c) The director of the department of state police or his or
her designee.~~

~~—— (2) If a prosecuting attorney chooses not to be a member of
the concealed weapon licensing board, all of the following apply:~~

~~—— (a) The prosecuting attorney shall be notified of all
applications received by the concealed weapon licensing board.~~

~~—— (b) The prosecuting attorney shall be given an opportunity to
object to granting a license to carry a concealed pistol and
present evidence bearing directly on an applicant's suitability to
carry a concealed pistol safely.~~

~~—— (c) The prosecuting attorney shall disclose to the concealed
weapon licensing board any information of which he or she has
actual knowledge that bears directly on an applicant's suitability
to carry a concealed pistol safely.~~

~~—— (3) The county prosecuting attorney or his or her designee
shall serve as chairperson of the board unless the prosecuting
attorney does not want to be a member of the concealed weapon
licensing board, in which case the concealed weapon licensing board~~

~~shall elect its chairperson. Two members of the concealed weapon licensing board constitute a quorum of the concealed weapon licensing board. The business of the concealed weapon licensing board shall be conducted by a majority vote of all of the members of the concealed weapon licensing board.~~

(1) BEGINNING JULY 1, 2015, THE COUNTY CONCEALED WEAPON LICENSING BOARDS ARE ELIMINATED. EACH COUNTY CONCEALED WEAPON LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE COUNTY CLERK OF THE COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN 12 MIDNIGHT JUNE 30, 2015. ALL PENDING APPLICATIONS REMAIN IN PLACE, AND THE COUNTY CLERK SHALL PROCESS THOSE APPLICATIONS AS PROVIDED IN THIS ACT. IF AN APPLICANT HAS AN INITIAL OR RENEWAL APPLICATION THAT HAS BEEN PENDING FOR 45 DAYS OR MORE ON JULY 1, 2015, THAT APPLICANT MAY REQUEST A RECEIPT FROM THE COUNTY CLERK THAT MEETS THE REQUIREMENTS OF SECTION 5B(9) OR 5/(3). THE COUNTY CLERK SHALL ISSUE THAT RECEIPT IN PERSON OR BY FIRST-CLASS MAIL. THE COUNTY CLERK SHALL NOT CHARGE ANY ADDITIONAL FEE FOR RECEIVING OR PROCESSING AN APPLICATION PREVIOUSLY SUBMITTED TO THE COUNTY CONCEALED WEAPON LICENSING BOARD, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT. A LICENSE TO CARRY A CONCEALED PISTOL ISSUED BY A CONCEALED WEAPON LICENSING BOARD BEFORE 12 MIDNIGHT JUNE 30, 2015 IS VALID AND REMAINS IN EFFECT UNTIL THE EXPIRATION OF THAT LICENSE OR AS OTHERWISE PROVIDED BY LAW.

(2) ~~(4) The county clerk shall serve as the clerk of the concealed weapon licensing board.~~ IS RESPONSIBLE FOR ALL OF THE FOLLOWING:

1 (A) STORING AND MAINTAINING ALL RECORDS RELATED TO ISSUING A
2 LICENSE OR NOTICE OF STATUTORY DISQUALIFICATION IN THAT COUNTY.

3 (B) ISSUING LICENSES TO CARRY A CONCEALED PISTOL.

4 (C) ISSUING NOTICES OF STATUTORY DISQUALIFICATION, NOTICES OF
5 SUSPENSIONS, AND NOTICES OF REVOCATIONS.

6 ~~—— (5) Except as otherwise provided in this act, the concealed~~
7 ~~weapon licensing board has exclusive authority to issue, deny,~~
8 ~~revoke, or suspend a license to carry a concealed pistol. The~~
9 ~~concealed weapon licensing board shall perform other duties as~~
10 ~~provided by law.~~

11 ~~—— (6) The concealed weapon licensing board may convene not more~~
12 ~~than 3 panels to assist the board in evaluating applicants. The~~
13 ~~panels shall be composed of representatives as prescribed in~~
14 ~~subsection (1). The panels do not have the authority to issue,~~
15 ~~deny, revoke, or suspend a license.~~

16 (3) ~~(7) The concealed weapon licensing board may~~ **DEPARTMENT OF**
17 **STATE POLICE SHALL** investigate the applicant for a license to carry
18 a concealed pistol. The investigation shall be restricted to
19 determining only whether the applicant is eligible under this act
20 to receive a license to carry a concealed pistol, and the
21 investigation regarding the issuance of a license shall end after
22 that determination is made. ~~The concealed weapon licensing board~~
23 ~~may require the applicant to appear before the board at a mutually~~
24 ~~agreed upon time for a conference. The applicant's failure or~~
25 ~~refusal to appear without valid reason before the concealed weapon~~
26 ~~licensing board as provided in this subsection is grounds for the~~
27 ~~board to deny issuance of a license to carry a concealed pistol to~~

1 ~~that applicant.~~

2 (4) ~~(8)~~ If the ~~concealed weapon licensing board~~ **A COURT**
3 determines **THAT AN APPLICANT IS A PETITIONER FOR A PERSONAL**
4 **PROTECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED**
5 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A,**
6 **AND THAT** there is probable cause to believe the safety of the
7 applicant or the safety of a member of the applicant's family is
8 endangered by the applicant's inability to immediately obtain a
9 license to carry a concealed pistol, the ~~concealed weapon licensing~~
10 ~~board~~ **COURT** may, pending issuance of a license, **IMMEDIATELY ORDER**
11 **THE COUNTY CLERK TO** issue a temporary license to the individual to
12 carry a concealed pistol **IN PERSON**. A temporary license shall be on
13 a form provided by the department of state police. **A COUNTY CLERK**
14 **MAY CHARGE A FEE NOT TO EXCEED \$10.00 FOR A TEMPORARY LICENSE. A**
15 temporary license ~~shall be~~ **IS** unrestricted and ~~shall be~~ **IS** valid
16 ~~for not more than 180 days. A temporary license may be renewed for~~
17 ~~1 additional period of not more than 180 days. A~~ **UNTIL THE COUNTY**
18 **CLERK ISSUES A LICENSE OR A NOTICE OF STATUTORY DISQUALIFICATION.**
19 **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A** temporary license is,
20 for all other purposes of this act, a license to carry a concealed
21 pistol. **WHEN A COUNTY CLERK ISSUES A LICENSE TO CARRY A CONCEALED**
22 **PISTOL OR A NOTICE OF STATUTORY DISQUALIFICATION TO AN APPLICANT**
23 **WHO RECEIVED A TEMPORARY LICENSE UNDER THIS SECTION, THE APPLICANT**
24 **SHALL IMMEDIATELY SURRENDER THE TEMPORARY LICENSE TO THE COUNTY**
25 **CLERK BY MAIL OR IN PERSON.**

26 (5) ~~(9)~~ The legislative service bureau shall compile the
27 firearms laws of this state, including laws that apply to carrying

1 a concealed pistol, and shall provide copies of the compilation **IN**
 2 **AN ELECTRONIC FORMAT** to ~~each concealed weapon licensing board in~~
 3 ~~this state for distribution under this subsection. A concealed~~
 4 ~~weapon licensing board~~ **THE DEPARTMENT OF STATE POLICE. THE**
 5 **DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED**
 6 **LAWS TO EACH COUNTY CLERK IN THIS STATE TOGETHER WITH INFORMATION**
 7 **REGARDING THE RIGHTS AND RESPONSIBILITIES OF APPLICANTS, LICENSE**
 8 **HOLDERS, COUNTY CLERKS, AND THE DEPARTMENT OF STATE POLICE UNDER**
 9 **THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL ALSO PROVIDE FORMS**
 10 **TO APPEAL ANY NOTICE OF STATUTORY DISQUALIFICATION, OR SUSPENSION**
 11 **OR REVOCATION OF A LICENSE UNDER THIS ACT. THE DEPARTMENT OF STATE**
 12 **POLICE SHALL DISTRIBUTE COPIES OF THE COMPILATION, INFORMATION, AND**
 13 **FORMS REQUIRED UNDER THIS SUBSECTION IN ELECTRONIC FORMAT TO EACH**
 14 **COUNTY CLERK. THE COUNTY CLERK** shall distribute a copy of the
 15 compilation, **INFORMATION, AND FORMS AT NO CHARGE** to each individual
 16 who applies for a license to carry a concealed pistol at the time
 17 the application is submitted. ~~The concealed weapon licensing board~~
 18 **COUNTY CLERK** shall require the applicant to sign a written
 19 statement acknowledging that he or she has received a copy of the
 20 compilation, **INFORMATION, AND FORMS PROVIDED UNDER THIS SUBSECTION.**
 21 An individual is not eligible to receive a license to carry a
 22 concealed pistol until he or she has signed the statement.

23 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
 24 an individual shall apply to the ~~concealed weapon licensing board~~
 25 **COUNTY CLERK** in the county in which that individual resides. The
 26 ~~application~~ **APPLICANT** shall ~~be filed~~ **FILE THE APPLICATION** with the
 27 county clerk **IN THE COUNTY IN WHICH THE APPLICANT RESIDES** during

1 the county clerk's normal business hours. The application shall be
2 on a form provided by the director of the department of state
3 police and shall allow the applicant to designate whether the
4 applicant seeks a temporary license. The application shall be
5 signed under oath by the applicant. The oath shall be administered
6 by the county clerk or his or her representative. The application
7 shall contain all of the following: ~~information.~~

8 (a) The applicant's legal name and date of birth and the
9 address of his or her primary residence. If the applicant resides
10 in a city, village, or township that has a police department, the
11 name of the police department. Information received under this
12 subdivision is confidential, is not subject to disclosure under the
13 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and
14 shall not be disclosed to any person except for purposes of this
15 act or for law enforcement purposes.

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

18 (c) A statement by the applicant authorizing the ~~concealed~~
19 ~~weapon licensing board~~ **DEPARTMENT OF STATE POLICE** to access any
20 record, including any medical record, pertaining to the applicant's
21 qualifications for a license to carry a concealed pistol under this
22 act **SUBJECT TO STATE AND FEDERAL LAW.** ~~The applicant may request~~
23 ~~that information received by the concealed weapon licensing board~~
24 ~~under this subdivision be reviewed in a closed session. If the~~
25 ~~applicant requests that the session be closed, the concealed weapon~~
26 ~~licensing board shall close the session only for purposes of this~~
27 ~~subdivision. The applicant and his or her representative have the~~

~~right to be present in the closed session.~~ Medical records and personal identifying information received by the ~~concealed weapon licensing board~~ **DEPARTMENT OF STATE POLICE** under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes or if the applicant is convicted of a felony involving a pistol.

(d) A statement by the applicant regarding whether he or she has a history of mental illness that would disqualify him or her under subsection (7)(j) to (l) from receiving a license to carry a concealed pistol, and authorizing the ~~concealed weapon licensing board~~ **DEPARTMENT OF STATE POLICE** to access the mental health records of the applicant relating to his or her mental health history **SUBJECT TO STATE AND FEDERAL LAW.** ~~The applicant may request that information received by the concealed weapon licensing board under this subdivision be reviewed in a closed session. If the applicant requests that the session be closed, the concealed weapon licensing board shall close the session only for purposes of this subdivision. The applicant and his or her representative have the right to be present in the closed session.~~ Medical records and personal identifying information received by the ~~concealed weapon licensing board~~ **DEPARTMENT OF STATE POLICE** under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

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

(i) Any felony.

(ii) A misdemeanor listed under subsection (7)(h) or (i), if the applicant was convicted of ~~violating~~ that misdemeanor in the 8 years immediately preceding the date of the application.

(f) A statement by the applicant whether he or she has been dishonorably discharged from the United States armed forces.

(g) If the applicant seeks a temporary license, the facts supporting the issuance of that temporary license.

~~(h) The names, residential addresses, and telephone numbers of 2 individuals who are references for the applicant. Information received under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.~~

(H) ~~(i)~~ A passport-quality photograph of the applicant provided by the applicant ~~at the time of application.~~ **OR, IF THE APPLICANT DOES NOT PROVIDE HIS OR HER OWN PASSPORT-QUALITY PHOTOGRAPH, A PHOTOGRAPH OF THE APPLICANT TAKEN BY THE COUNTY CLERK AT NO CHARGE OR FOR A REASONABLE FEE. THE COUNTY CLERK SHALL NOT REQUIRE THE APPLICANT TO HAVE HIS OR HER PHOTOGRAPH TAKEN BY THE COUNTY CLERK OR BY ANY OTHER SPECIFIC OFFICE OR VENDOR IF THE APPLICANT PROVIDES HIS OR HER OWN PHOTOGRAPH THAT COMPLIES WITH THE REQUIREMENT OF THIS SUBDIVISION UNLESS THE COUNTY CLERK DOES NOT CHARGE A FEE OR THE FEE IS INCLUDED IN THE FEE AUTHORIZED UNDER**

1 SECTION 5C(1) .

2 (I) A SIGNATURE OF THE APPLICANT OBTAINED BY THE COUNTY CLERK
3 AT THE TIME OF APPLICATION FOR USE ON HIS OR HER LICENSE TO CARRY A
4 CONCEALED PISTOL OR AS OTHERWISE REQUIRED.

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

7 (2) THE COUNTY CLERK SHALL NOT REQUIRE THE APPLICANT TO SUBMIT
8 ANY ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE OF
9 ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL
10 EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR
11 IN THIS ACT. AN APPLICANT MAY VOLUNTARILY SUBMIT ADDITIONAL
12 DOCUMENTATION IF HE OR SHE CHOOSES TO DO SO AT HIS OR HER OWN
13 INITIATIVE TO VERIFY ELIGIBILITY FOR A CONCEALED PISTOL LICENSE OR
14 TO ADDRESS POTENTIAL DISQUALIFYING INFORMATION THAT MAY ARISE
15 DURING THE INVESTIGATION BY THE DEPARTMENT OF STATE POLICE. The
16 application form shall contain a conspicuous warning that the
17 application is executed under oath and that intentionally making a
18 material false statement on the application is a felony punishable
19 by imprisonment for not more than 4 years or a fine of not more
20 than \$2,500.00, or both.

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

25 (4) The ~~concealed weapon licensing board~~ COUNTY CLERK shall
26 retain a copy of each application for a license to carry a
27 concealed pistol as an official record. One year after the

1 expiration of a concealed pistol license, the county clerk may
2 destroy the record and maintain only a name index of the record.

3 (5) Each applicant shall pay a ~~nonrefundable~~ **AN APPLICATION**
4 **AND LICENSING** fee of ~~\$105.00~~ **\$90.00** by any method of payment
5 accepted by that county for payments of other fees and penalties.
6 ~~Except for a local police agency as provided in subsection (9), a~~
7 ~~unit of local government, an agency of a unit of local government,~~
8 ~~or an agency or department of this state shall not charge an~~
9 ~~additional fee, assessment, or other amount in connection with a~~
10 ~~license under this section~~ **NO OTHER CHARGE, FEE, COST, OR**
11 **ASSESSMENT, INCLUDING ANY LOCAL CHARGE, FEE, COST, OR ASSESSMENT,**
12 **IS REQUIRED OF THE APPLICANT EXCEPT AS SPECIFICALLY AUTHORIZED IN**
13 **THIS ACT.** The **APPLICATION AND LICENSING** fee shall be payable to the
14 county. The county treasurer shall deposit ~~\$41.00~~ **\$26.00** of each
15 **APPLICATION AND LICENSING** fee collected under this section in the
16 ~~general fund of the county and credit \$26.00 of that deposit to the~~
17 ~~credit of the county clerk and \$15.00 of that deposit to the credit~~
18 ~~of the county sheriff and~~ **CONCEALED PISTOL LICENSING FUND CREATED**
19 **IN SECTION 5X. THE COUNTY TREASURER SHALL** forward the balance
20 **REMAINING** to the state treasurer. The state treasurer shall deposit
21 the balance of the fee in the general fund to the credit of the
22 department of state police. The department of state police shall
23 use the money received under this act to process the fingerprints
24 and to reimburse the federal bureau of investigation for the costs
25 associated with processing fingerprints submitted under this act.
26 The balance of the money received under this act shall be credited
27 to the department of state police.

1 (6) ~~The county sheriff on behalf of the concealed weapon~~
 2 ~~licensing board shall verify the requirements of subsection (7)(d),~~
 3 ~~(e), (f), (h), (i), (j), (k), (l), and (m) through the law~~
 4 ~~enforcement information network and~~ **THE DEPARTMENT OF STATE POLICE**
 5 **SHALL VERIFY THE REQUIREMENTS OF SUBSECTION (7)(D), (E), (F), (H),**
 6 **(I), (J), (K), (L), AND (M) THROUGH THE LAW ENFORCEMENT INFORMATION**
 7 **NETWORK AND SHALL** report his or her finding to the concealed weapon
 8 licensing board. If the applicant resides in a city, village, or
 9 township that has a police department, the concealed weapon
 10 licensing board shall contact that city, village, or township
 11 police department to determine only whether that city, village, or
 12 township police department has any information relevant to the
 13 investigation of whether the applicant is eligible under this act
 14 to receive a license to carry a concealed pistol. The concealed
 15 weapon licensing board may require a person claiming active duty
 16 status with the United States armed forces under this section to
 17 provide proof of 1 or both of the following:

- 18 ~~—— (a) The person's home of record.~~
 19 ~~—— (b) Permanent active duty assignment in this state.~~ **TO THE**
 20 **COUNTY CLERK ALL STATUTORY DISQUALIFICATIONS, IF ANY, UNDER THIS**
 21 **ACT THAT APPLY TO AN APPLICANT.**

22 (7) ~~The concealed weapon licensing board~~ **COUNTY CLERK** shall
 23 issue **AND SHALL SEND** a license to an applicant to carry a concealed
 24 pistol within the period required under this act ~~after the~~
 25 ~~applicant properly submits an application under subsection (1) and~~
 26 **IF** the ~~concealed weapon licensing board~~ **COUNTY CLERK** determines
 27 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~~
 6 ~~concealed weapon licensing board~~ **A COURT** may waive the 6-month
 7 residency requirement for a temporary license under section ~~5a(8)~~
 8 **5A(4)** if the ~~concealed weapon licensing board~~ **COURT** determines **THAT**
 9 **AN APPLICANT IS A PETITIONER FOR A PERSONAL PROTECTION ORDER ISSUED**
 10 **UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961,**
 11 **1961 PA 236, MCL 600.2950 AND 600.2950A, AND THAT** there is probable
 12 cause to believe the safety of the applicant or the safety of a
 13 member of the applicant's family 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 ~~concealed weapon licensing board~~ may
 18 **COUNTY CLERK SHALL** waive the 6-month waiting period and the
 19 applicant may apply for a concealed pistol license at the time the
 20 applicant's residency in this state is established. ~~The concealed~~
 21 ~~weapon licensing board shall immediately issue a temporary license~~
 22 ~~to that applicant. The temporary license shall be valid until the~~
 23 ~~concealed weapon licensing board decides whether to grant or deny~~
 24 ~~the application.~~ For the purposes of this section, a person shall
 25 ~~be~~ **IS** considered a legal resident of this state if any of the
 26 following apply:

27 (i) The person has a valid, lawfully obtained Michigan driver

1 license issued under the Michigan vehicle code, 1949 PA 300, MCL
2 257.1 to 257.923, or official state personal identification card
3 issued under 1972 PA 222, MCL 28.291 to 28.300.

4 (ii) The person is lawfully registered to vote in this state.

5 (iii) The person is on active duty status with the United States
6 armed forces and is stationed outside of this state, but the
7 person's home of record is in this state.

8 (iv) The person is on active duty status with the United States
9 armed forces and is permanently stationed in this state, but the
10 person's home of record is in another state.

11 (c) The applicant has knowledge and has had training in the
12 safe use and handling of a pistol by the successful completion of a
13 pistol safety training course or class that meets the requirements
14 of section 5j, and that is available to the general public and
15 presented by a law enforcement agency, junior or community college,
16 college, or public or private institution or organization or
17 firearms training school.

18 (d) The applicant is not the subject of an order or
19 disposition under any of the following:

20 (i) Section 464a of the mental health code, 1974 PA 258, MCL
21 330.1464a.

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

24 (iii) Sections 2950 and 2950a of the revised judicature act of
25 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **IF THAT ORDER**
26 **INCLUDES A RESTRICTION THAT THE APPLICANT IS NOT ALLOWED TO**
27 **PURCHASE OR POSSESS A FIREARM.**

(iv) Section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, if the order has a condition imposed pursuant to ~~UNDER~~ section 6b(3) of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

(f) The applicant has never been convicted of a felony in this state or elsewhere, and a felony charge against the applicant is not pending in this state or elsewhere at the time he or she applies for a license described in this section.

(g) The applicant has not been dishonorably discharged from the United States armed forces.

(h) The applicant has not been convicted of a misdemeanor violation of any of the following in the 8 years immediately preceding the date of application:

~~—— (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a (failing to stop when involved in a personal injury accident).~~

~~—— (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, punishable as provided in subsection (9)(b) of that section (operating while intoxicated, second offense).~~

~~—— (iii) Section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625m punishable under subsection (4) of that section~~

~~(operating a commercial vehicle with alcohol content, second offense).~~

~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL 257.626 (reckless driving).~~

~~—— (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.904 (operating while license suspended or revoked), punishable as a second or subsequent offense.~~

(i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL INJURY ACCIDENT), SECTION 625(9)(B) (OPERATING WHILE INTOXICATED, SECOND OFFENSE), SECTION 625M(4) (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL CONTENT, SECOND OFFENSE), A SECOND OR SUBSEQUENT VIOLATION OF SECTION 626(2) (RECKLESS DRIVING), OR A VIOLATION OF SECTION 904(1) (OPERATING WHILE LICENSE SUSPENDED OR REVOKED, SECOND OR SUBSEQUENT OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A, 257.625, 257.625M, 257.626, AND 257.904.

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

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

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

~~—— (ix) Section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, punishable under~~

~~subsection (5) or (6) of that section (operating ORV under the influence of intoxicating liquor or a controlled substance, second or subsequent offense).~~

~~—— (x) Section 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile under the influence of intoxicating liquor or a controlled substance), punishable as a second or subsequent offense under section 82128(1)(b) or (c) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82128.~~

~~—— (xi) Section 80176 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, and punishable under section 80177(1)(b) (operating vessel under the influence of intoxicating liquor or a controlled substance, second or subsequent offense).~~

(v) SECTION 80176 AS PUNISHABLE UNDER SECTION 80177(1)(B) (OPERATING VESSEL UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE), SECTION 81134(5) (OPERATING ORV UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OR SUBSEQUENT OFFENSE), OR SECTION 82127 AS PUNISHABLE UNDER SECTION 82128(1)(B) (OPERATING SNOWMOBILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, AND 324.82128.

(vi) ~~(xii)~~ Section 7403 of the public health code, 1978 PA 368, MCL 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE ANALOGUE, OR PRESCRIPTION FORM).

1 (vii) ~~(xiii)~~ Section 353 of the railroad code of 1993, 1993 PA
 2 354, MCL 462.353, ~~(operating locomotive under the influence of~~
 3 ~~intoxicating liquor or a controlled substance, or while visibly~~
 4 ~~impaired)~~, punishable under subsection (4) of that section
 5 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR
 6 A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE) .

7 (viii) ~~(xiv)~~ Section 7 of 1978 PA 33, MCL 722.677 (displaying
 8 sexually explicit matter to minors) .

9 ~~(xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL~~
 10 ~~750.81 (assault or domestic assault) .~~

11 ~~(xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA~~
 12 ~~328, MCL 750.81a (aggravated assault or aggravated domestic~~
 13 ~~assault) .~~

14 ~~(xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL~~
 15 ~~750.115 (breaking and entering or entering without breaking) .~~

16 ~~(xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328,~~
 17 ~~MCL 750.136b (fourth degree child abuse) .~~

18 ~~(xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
 19 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
 20 ~~purposes) .~~

21 ~~(xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL~~
 22 ~~750.145n (vulnerable adult abuse) .~~

23 ~~(xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA~~
 24 ~~328, MCL 750.157b (solicitation to commit a felony) .~~

25 ~~(xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL~~
 26 ~~750.215 (impersonating peace officer or medical examiner) .~~

27 ~~(xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL~~

1 ~~750.223 (illegal sale of a firearm or ammunition).~~
2 ~~—— (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,~~
3 ~~MCL 750.224d (illegal use or sale of a self defense spray).~~
4 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL~~
5 ~~750.226a (sale or possession of a switchblade).~~
6 ~~—— (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,~~
7 ~~MCL 750.227c (improper transportation of a loaded firearm).~~
8 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.228 (failure to have a pistol inspected).~~
10 ~~—— (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,~~
11 ~~MCL 750.229 (accepting a pistol in pawn).~~
12 ~~—— (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.232 (failure to register the purchase of a firearm or a firearm~~
14 ~~component).~~
15 ~~—— (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL~~
16 ~~750.232a (improperly obtaining a pistol, making a false statement~~
17 ~~on an application to purchase a pistol, or using false~~
18 ~~identification to purchase a pistol).~~
19 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~
20 ~~750.233 (intentionally aiming a firearm without malice).~~
21 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~
22 ~~750.234 (intentionally discharging a firearm aimed without malice).~~
23 ~~—— (xxxiii) Section 234d of the Michigan penal code, 1931 PA 328,~~
24 ~~MCL 750.234d (possessing a firearm on prohibited premises).~~
25 ~~—— (xxxiv) Section 234e of the Michigan penal code, 1931 PA 328,~~
26 ~~MCL 750.234e (brandishing a firearm in public).~~
27 ~~—— (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,~~

~~MCL 750.234f (possession of a firearm by an individual less than 18 years of age).~~

~~—— (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235 (intentionally discharging a firearm aimed without malice causing injury).~~

~~—— (xxxvii) Section 235a of the Michigan penal code, 1931 PA 328, MCL 750.235a (parent of a minor who possessed a firearm in a weapon free school zone).~~

~~—— (xxxviii) Section 236 of the Michigan penal code, 1931 PA 328, MCL 750.236 (setting a spring gun or other device).~~

~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL 750.237 (possessing a firearm while under the influence of intoxicating liquor or a drug).~~

~~—— (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a (weapon free school zone violation).~~

~~—— (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a (indecent exposure).~~

~~—— (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h (stalking).~~

~~—— (xliii) Section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e (fourth degree criminal sexual conduct).~~

~~—— (xliv) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless, or negligent use of a firearm resulting in injury or death).~~

~~—— (xlv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless, or negligent use of a firearm resulting in property damage).~~

~~—— (xlv) Section 3a of 1952 PA 45, MCL 752.863a (reckless discharge of a firearm).~~

1 (ix) SECTION 81 (ASSAULT OR DOMESTIC ASSAULT), SECTION 81A(1)
2 OR (2) (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT), SECTION
3 115 (BREAKING AND ENTERING OR ENTERING WITHOUT BREAKING), SECTION
4 136B(8) (FOURTH DEGREE CHILD ABUSE), SECTION 145N (VULNERABLE ADULT
5 ABUSE), SECTION 157B(3)(B) (SOLICITATION TO COMMIT A FELONY),
6 SECTION 215 (IMPERSONATING PEACE OFFICER OR MEDICAL EXAMINER),
7 SECTION 223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION), SECTION 224D
8 (ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY), SECTION 226A (SALE
9 OR POSSESSION OF A SWITCHBLADE), SECTION 227C (IMPROPER
10 TRANSPORTATION OF A LOADED FIREARM), SECTION 229 (ACCEPTING A
11 PISTOL IN PAWN), SECTION 232 (FAILURE TO REGISTER THE PURCHASE OF A
12 FIREARM OR A FIREARM COMPONENT), SECTION 232A (IMPROPERLY OBTAINING
13 A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A
14 PISTOL, OR USING FALSE IDENTIFICATION TO PURCHASE A PISTOL),
15 SECTION 233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE),
16 SECTION 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
17 MALICE), SECTION 234D (POSSESSING A FIREARM ON PROHIBITED
18 PREMISES), SECTION 234E (BRANDISHING A FIREARM IN PUBLIC), SECTION
19 234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN 18 YEARS
20 OF AGE), SECTION 235 (INTENTIONALLY DISCHARGING A FIREARM AIMED
21 WITHOUT MALICE CAUSING INJURY), SECTION 235A (PARENT OF A MINOR WHO
22 POSSESSED A FIREARM IN A WEAPON FREE SCHOOL ZONE), SECTION 236
23 (SETTING A SPRING GUN OR OTHER DEVICE), SECTION 237 (POSSESSING A
24 FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
25 CONTROLLED SUBSTANCE), SECTION 237A (WEAPON FREE SCHOOL ZONE
26 VIOLATION), SECTION 335A (INDECENT EXPOSURE), SECTION 411H
27 (STALKING), OR SECTION 520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT)

1 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,
 2 750.115, 750.136B, 750.145N, 750.157B, 750.215, 750.223, 750.224D,
 3 750.226A, 750.227C, 750.229, 750.232, 750.232A, 750.233, 750.234,
 4 750.234D, 750.234E, 750.234F, 750.235, 750.235A, 750.236, 750.237,
 5 750.237A, 750.335A, 750.411H, AND 750.520E.

6 (x) FORMER SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA
 7 328.

8 (xi) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A
 9 FIREARM RESULTING IN INJURY OR DEATH), SECTION 2 (CARELESS,
 10 RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY
 11 DAMAGE), OR SECTION 3A (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA
 12 45, MCL 752.861, 752.862, AND 752.863A.

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

17 (i) The applicant has not been convicted of a misdemeanor
 18 violation of any of the following in the 3 years immediately
 19 preceding the date of application unless the misdemeanor violation
 20 is listed under subdivision (h):

21 ~~—— (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
 22 ~~257.625 (operating under the influence).~~

23 ~~—— (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,~~
 24 ~~MCL 257.625a (refusal of commercial vehicle operator to submit to a~~
 25 ~~chemical test).~~

26 ~~—— (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,~~
 27 ~~MCL 257.625k (ignition interlock device reporting violation).~~

1 ~~—— (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,~~
 2 ~~MCL 257.625l (circumventing an ignition interlocking device).~~

3 ~~—— (v) Section 625m of the Michigan vehicle code, 1949 PA 300,~~
 4 ~~MCL 257.625m, punishable under subsection (3) of that section~~
 5 ~~(operating a commercial vehicle with alcohol content).~~

6 (i) SECTION 625 (OPERATING UNDER THE INFLUENCE), SECTION 625A
 7 (REFUSAL OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL
 8 TEST), SECTION 625K (IGNITION INTERLOCK DEVICE REPORTING
 9 VIOLATION), SECTION 625l (CIRCUMVENTING AN IGNITION INTERLOCK
 10 DEVICE), OR SECTION 625M(3) (OPERATING A COMMERCIAL VEHICLE WITH
 11 ALCOHOL CONTENT) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
 12 257.625, 257.625A, 257.625K, 257.625l, AND 257.625M.

13 (ii) ~~(vi)~~ Section 185 of the aeronautics code of the state of
 14 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
 15 influence).

16 ~~—— (vii) Section 81134 of the natural resources and environmental~~
 17 ~~protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the~~
 18 ~~influence).~~

19 ~~—— (viii) Section 81135 of the natural resources and environmental~~
 20 ~~protection act, 1994 PA 451, MCL 324.81135 (operating ORV while~~
 21 ~~visibly impaired).~~

22 ~~—— (ix) Section 82127 of the natural resources and environmental~~
 23 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~
 24 ~~under the influence).~~

25 (iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), SECTION
 26 81135 (OPERATING ORV WHILE VISIBLY IMPAIRED), OR SECTION 82127
 27 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL

1 **RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL**
 2 **324.81134, 324.81135, AND 324.82127.**

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

5 **(v)** ~~(xi)~~ Section 353 of the railroad code of 1993, 1993 PA 354,
 6 MCL 462.353, ~~(operating locomotive under the influence)~~, punishable
 7 under subsection (3) of that section **(OPERATING LOCOMOTIVE UNDER**
 8 **THE INFLUENCE)**.

9 ~~—— (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL~~
 10 ~~750.167 (disorderly person).~~

11 ~~—— (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL~~
 12 ~~750.174 (embezzlement).~~

13 ~~—— (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL~~
 14 ~~750.218 (false pretenses with intent to defraud).~~

15 ~~—— (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL~~
 16 ~~750.356 (larceny).~~

17 ~~—— (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL~~
 18 ~~750.356d (second degree retail fraud).~~

19 ~~—— (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL~~
 20 ~~750.359 (larceny vacant building).~~

21 ~~—— (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL~~
 22 ~~750.362 (larceny by conversion).~~

23 ~~—— (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL~~
 24 ~~750.362a (larceny defrauding lesser).~~

25 ~~—— (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL~~
 26 ~~750.377a (malicious destruction of property).~~

27 ~~—— (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL~~

1 ~~750.380 (malicious destruction of real property).~~

2 ~~—— (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL~~

3 ~~750.535 (receiving stolen property).~~

4 ~~—— (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,~~

5 ~~MCL 750.540e (malicious use of telephones).~~

6 (vi) A SECOND OR SUBSEQUENT VIOLATION OF SECTION 167
 7 (DISORDERLY PERSON), OR A VIOLATION OF SECTION 174 (EMBEZZLEMENT),
 8 SECTION 218 (FALSE PRETENSES WITH INTENT TO DEFRAUD), SECTION 356
 9 (LARCENY), SECTION 356D(2) (SECOND DEGREE RETAIL FRAUD), SECTION
 10 359 (LARCENY FROM A VACANT BUILDING OR STRUCTURE), SECTION 362
 11 (LARCENY BY CONVERSION), SECTION 362A (LARCENY - DEFRAUDING
 12 LESSOR), SECTION 377A (MALICIOUS DESTRUCTION OF PROPERTY), SECTION
 13 380 (MALICIOUS DESTRUCTION OF REAL PROPERTY), SECTION 535
 14 (RECEIVING OR CONCEALING STOLEN PROPERTY), OR SECTION 540E
 15 (MALICIOUS USE OF TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE
 16 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, 750.174, 750.218,
 17 750.356, 750.356D, 750.359, 750.362, 750.362A, 750.377A, 750.380,
 18 750.535, AND 750.540E.

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

23 (j) The applicant has not been found guilty but mentally ill
 24 of any crime and has not offered a plea of not guilty of, or been
 25 acquitted of, any crime by reason of insanity.

26 (k) The applicant has never been subject to an order of
 27 involuntary commitment in an inpatient or outpatient setting due to

1 mental illness.

2 (l) The applicant does not have a ~~diagnosed~~ **DIAGNOSIS OF** mental
3 illness **THAT INCLUDES AN ASSESSMENT THAT THE INDIVIDUAL PRESENTS A**
4 **DANGER TO HIMSELF OR HERSELF OR TO ANOTHER** at the time the
5 application is made, regardless of whether he or she is receiving
6 treatment for that illness.

7 (m) The applicant is not under a court order of legal
8 incapacity in this state or elsewhere.

9 ~~—— (n) Issuing a license to the applicant to carry a concealed~~
10 ~~pistol in this state is not detrimental to the safety of the~~
11 ~~applicant or to any other individual. A determination under this~~
12 ~~subdivision shall be based on clear and convincing evidence of~~
13 ~~repeated violations of this act, crimes, personal protection orders~~
14 ~~or injunctions, or police reports or other clear and convincing~~
15 ~~evidence of the actions of, or statements of, the applicant that~~
16 ~~bear directly on the applicant's ability to carry a concealed~~
17 ~~pistol.~~

18 (8) Upon entry of a court order or conviction of 1 of the
19 enumerated prohibitions for using, transporting, selling,
20 purchasing, carrying, shipping, receiving or distributing a firearm
21 in this section the department of state police shall immediately
22 enter the order or conviction into the law enforcement information
23 network. For purposes of this act, information of the court order
24 or conviction shall not be removed from the law enforcement
25 information network, but may be moved to a separate file intended
26 for the use of the ~~county concealed weapon licensing boards,~~
27 **DEPARTMENT OF STATE POLICE**, the courts, and other government

1 entities as necessary and exclusively to determine eligibility to
2 be licensed under this act.

3 (9) An individual, after submitting an application and paying
4 the fee prescribed under subsection (5), shall request ~~and have~~
5 **THAT** classifiable fingerprints **BE** taken by the **COUNTY CLERK,**
6 **DEPARTMENT OF STATE POLICE,** county sheriff, ~~or~~ a local police
7 agency, ~~if~~ **OR OTHER ENTITY** that ~~local police agency~~ maintains
8 fingerprinting capability. If the individual requests that
9 classifiable fingerprints be taken by **THE COUNTY CLERK, DEPARTMENT**
10 **OF STATE POLICE, COUNTY SHERIFF,** a local police agency, **OR OTHER**
11 **ENTITY,** the individual shall also pay ~~to that local police agency a~~
12 fee of \$15.00 by any method of payment accepted ~~by the unit of~~
13 ~~local government~~ for payments of other fees and penalties. The
14 **COUNTY CLERK, DEPARTMENT OF STATE POLICE,** county sheriff, ~~or~~ local
15 police agency, **OR OTHER ENTITY** shall take the fingerprints within 5
16 business days after the request. **COUNTY CLERKS, THE DEPARTMENT OF**
17 **STATE POLICE, COUNTY SHERIFFS, LOCAL POLICE AGENCIES, AND OTHER**
18 **ENTITIES THAT MAINTAIN FINGERPRINTING CAPABILITY SHALL PROVIDE**
19 **REASONABLE ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS**
20 **HOURS AS IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.**
21 **THE ENTITY PROVIDING FINGERPRINTING SERVICES SHALL ISSUE THE**
22 **APPLICANT A RECEIPT AT THE TIME HIS OR HER FINGERPRINTS ARE TAKEN.**
23 **THE RECEIPT SHALL CONTAIN ALL OF THE FOLLOWING:**

24 (A) THE NAME OF THE APPLICANT.

25 (B) THE DATE AND TIME THE RECEIPT IS ISSUED.

26 (C) THE AMOUNT PAID.

27 (D) THE NAME OF THE ENTITY PROVIDING THE FINGERPRINT SERVICES.

1 (E) THE STATEMENT "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF
2 APPLYING FOR A CONCEALED PISTOL LICENSE. AS PROVIDED IN SECTION 5B
3 OF 1927 PA 372, MCL 28.425B, IF A LICENSE OR NOTICE OF STATUTORY
4 DISQUALIFICATION IS NOT ISSUED WITHIN 45 DAYS AFTER THE DATE THIS
5 RECEIPT WAS ISSUED, THIS RECEIPT SHALL SERVE AS A CONCEALED PISTOL
6 LICENSE FOR THE INDIVIDUAL NAMED IN THE RECEIPT WHEN CARRIED WITH
7 AN OFFICIAL STATE-ISSUED IDENTIFICATION. THE RECEIPT IS VALID AS A
8 LICENSE UNTIL A LICENSE OR NOTICE OF STATUTORY DISQUALIFICATION IS
9 ISSUED BY THE COUNTY CLERK. THIS RECEIPT DOES NOT EXEMPT THE
10 INDIVIDUAL NAMED IN THE RECEIPT FROM COMPLYING WITH ALL APPLICABLE
11 LAWS FOR THE PURCHASE OF FIREARMS.".

12 (10) The fingerprints shall be taken, under subsection (9), ~~on~~
13 ~~forms and in a manner prescribed by the department of state police.~~
14 The fingerprints **TAKEN BY A COUNTY CLERK, COUNTY SHERIFF, LOCAL**
15 **POLICE AGENCY, OR OTHER ENTITY** shall be immediately forwarded to
16 the department of state police for comparison with fingerprints
17 already on file with the department of state police. The department
18 of state police shall **IMMEDIATELY** forward the fingerprints to the
19 federal bureau of investigation. ~~Within 10 days after receiving a~~
20 ~~report of the fingerprints from the federal bureau of~~
21 ~~investigation, the department of state police shall provide a copy~~
22 ~~to the submitting sheriff's department or local police agency as~~
23 ~~appropriate and the clerk of the appropriate concealed weapon~~
24 ~~licensing board.~~ **IF AN INDIVIDUAL'S FINGERPRINTS ARE NOT**
25 **CLASSIFIABLE BY THE FEDERAL BUREAU OF INVESTIGATION, THE DEPARTMENT**
26 **OF STATE POLICE SHALL IMMEDIATELY REQUEST A REPORT BASED ON THE**
27 **INDIVIDUAL'S NAME, DATE OF BIRTH, AND OTHER IDENTIFYING**

1 INFORMATION. WITHIN 5 BUSINESS DAYS OF COMPLETING THE VERIFICATION
2 UNDER SUBSECTION (6), THE DEPARTMENT SHALL SEND THE COUNTY CLERK A
3 LIST OF AN APPLICANT'S STATUTORY DISQUALIFICATIONS UNDER THIS ACT.

4 Except as provided in subsection (14), the ~~concealed weapon~~
5 ~~licensing board~~ COUNTY CLERK shall not issue a concealed pistol
6 license until ~~it~~ HE OR SHE receives the fingerprint comparison
7 report OF STATUTORY DISQUALIFICATIONS prescribed in this
8 subsection. The ~~concealed weapon licensing board~~ may deny a license
9 if an individual's fingerprints are not classifiable by the federal
10 bureau of investigation.

11 (11) The ~~concealed weapon licensing board~~ COUNTY CLERK shall
12 ~~deny a license~~ SEND A NOTICE OF STATUTORY DISQUALIFICATION FOR A
13 LICENSE UNDER THIS ACT to an applicant ~~to carry a concealed pistol~~
14 if the applicant is not qualified under subsection (7) to receive
15 that license.

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

19 (13) Subject to subsections (10) and (14), the ~~concealed~~
20 ~~weapon licensing board~~ DEPARTMENT OF STATE POLICE SHALL COMPLETE
21 THE VERIFICATION REQUIRED UNDER SUBSECTION (6) AND THE COUNTY CLERK
22 shall issue ~~or deny issuance of a license~~ OR A NOTICE OF STATUTORY
23 DISQUALIFICATION within 45 days after the ~~concealed weapon~~
24 ~~licensing board receives the fingerprint comparison report provided~~
25 ~~under subsection (10).~~ DATE THE APPLICANT HAS CLASSIFIABLE
26 FINGERPRINTS TAKEN UNDER SUBSECTION (9). If the ~~concealed weapon~~
27 ~~licensing board denies issuance of a license to carry a concealed~~

~~pistol,~~ COUNTY CLERK ISSUES A NOTICE OF STATUTORY DISQUALIFICATION,
 the ~~concealed weapon licensing board~~ COUNTY CLERK shall within 5
 business days do ~~both~~ ALL of the following:

(a) Inform the applicant in writing of the reasons for the
~~denial.~~ **DISQUALIFICATION.** Information under this subdivision shall
 include all of the following:

(i) A statement of ~~the specific and articulable facts~~
~~supporting the denial.~~ **EACH STATUTORY DISQUALIFICATION IDENTIFIED.**

(ii) ~~Copies of any writings, photographs, records, or other~~
~~documentary evidence upon which the denial is based.~~ **THE SOURCE OF**
THE RECORD FOR EACH STATUTORY DISQUALIFICATION IDENTIFIED.

(b) Inform the applicant in writing of his or her right to
 appeal the ~~denial~~ **NOTICE OF STATUTORY DISQUALIFICATION** to the
 circuit court as provided in section 5d.

(C) INFORM THE APPLICANT OF THE PROCESS FOR CORRECTING ANY
ERRORS IDENTIFIED IN THE STATUTORY DISQUALIFICATION.

(14) ~~If the fingerprint comparison report is not received by~~
~~the concealed weapon licensing board within 60 days after the~~
~~fingerprint report is forwarded to the department of state police~~
~~by the federal bureau of investigation, the concealed weapon~~
~~licensing board shall issue a temporary license to carry a~~
~~concealed pistol to the applicant if the applicant is otherwise~~
~~qualified for a license. A temporary license issued under this~~
~~section is valid for 180 days or until the concealed weapon~~
~~licensing board receives the fingerprint comparison report provided~~
~~under subsection (10) and issues or denies issuance of a license to~~
~~carry a concealed pistol as otherwise provided under this act. Upon~~

~~issuance or the denial of issuance of the license to carry a~~
~~concealed pistol to an applicant who received a temporary license~~
~~under this section, the applicant shall immediately surrender the~~
~~temporary license to the concealed weapon licensing board that~~
~~issued that temporary license.~~ IF A LICENSE OR NOTICE OF STATUTORY
DISQUALIFICATION IS NOT ISSUED UNDER SUBSECTION (13) WITHIN 45 DAYS
AFTER THE DATE THE APPLICANT HAS FINGERPRINTS TAKEN UNDER
SUBSECTION (9), THE RECEIPT ISSUED UNDER SUBSECTION (9) SHALL SERVE
AS A CONCEALED PISTOL LICENSE FOR PURPOSES OF THIS ACT WHEN CARRIED
WITH A STATE-ISSUED PERSONAL IDENTIFICATION CARD OR DRIVER LICENSE
AND IS VALID UNTIL A LICENSE OR NOTICE OF STATUTORY
DISQUALIFICATION IS ISSUED BY THE COUNTY CLERK.

(15) If an individual licensed under this act to carry a
concealed pistol moves to a different county within this state, his
or her license remains valid until it expires or is otherwise
suspended or revoked under this act. AN INDIVIDUAL MAY NOTIFY A
COUNTY CLERK THAT HE OR SHE HAS MOVED TO A DIFFERENT COUNTY WITHIN
THIS STATE FOR THE PURPOSE OF RECEIVING THE NOTICE UNDER SECTION
5/(1). A license to carry a concealed pistol that is lost, stolen,
or defaced may be replaced by the issuing county clerk for a
replacement fee of \$10.00.

(16) If a ~~concealed weapons licensing board suspends or~~
~~revokes a license~~ issued under this act IS SUSPENDED OR REVOKED,
the license is forfeited and shall be returned to the ~~concealed~~
~~weapon licensing board~~ COUNTY CLERK forthwith. A COUNTY CLERK SHALL
RETAIN A SUSPENDED OR REVOKED LICENSE AS AN OFFICIAL RECORD 1 YEAR
AFTER THE EXPIRATION OF THE LICENSE, UNLESS THE LICENSE IS

1 **REINSTATED OR A NEW LICENSE IS ISSUED.** An individual who fails to
2 return a license as required under this subsection after he or she
3 was notified that his or her license was suspended or revoked is
4 guilty of a misdemeanor punishable by imprisonment for not more
5 than 93 days or a fine of not more than \$500.00, or both.

6 (17) An applicant or an individual licensed under this act to
7 carry a concealed pistol may be furnished a copy of his or her
8 application under this section upon request and the payment of a
9 reasonable fee.

10 (18) This section does not prohibit the ~~concealed weapon~~
11 ~~licensing board~~ **COUNTY CLERK** from making public and distributing to
12 the public at no cost lists of individuals who are certified as
13 qualified instructors as prescribed under section 5j.

14 (19) **A COUNTY CLERK ISSUING AN INITIAL LICENSE OR RENEWAL**
15 **LICENSE UNDER THIS ACT SHALL MAIL THE LICENSE TO THE LICENSEE BY**
16 **FIRST-CLASS MAIL IN A SEALED ENVELOPE. A COUNTY CLERK MAY ISSUE A**
17 **REPLACEMENT LICENSE IN PERSON AT THE TIME OF APPLICATION FOR A**
18 **REPLACEMENT LICENSE UPON PAYMENT OF THE FEE UNDER SUBSECTION (15).**

19 (20) **A COUNTY CLERK, COUNTY SHERIFF, COUNTY PROSECUTING**
20 **ATTORNEY, POLICE DEPARTMENT, OR THE DEPARTMENT OF STATE POLICE IS**
21 **NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ISSUANCE OF A**
22 **LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER COMMITS A CRIME**
23 **OR A NEGLIGENT ACT.**

24 (21) **AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A**
25 **CONCEALED PISTOL MAY VOLUNTARILY SURRENDER THAT LICENSE WITHOUT**
26 **EXPLANATION. IF AN INDIVIDUAL VOLUNTARILY SURRENDERS A LICENSE**
27 **UNDER THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE SHALL ENTER**

1 INTO THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE LICENSE WAS
2 VOLUNTARILY SURRENDERED AND THE DATE THE LICENSE WAS VOLUNTARILY
3 SURRENDERED.

4 (22) ~~(19)~~—As used in this section:

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

11 (b) "Felony" means that term as defined in section 1 of
12 chapter I of the code of criminal procedure, 1927 PA 175, MCL
13 761.1, or a violation of a law of the United States or another
14 state that is designated as a felony or that is punishable by death
15 or by imprisonment for more than 1 year.

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

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

26 (e) "Treatment" means care or any therapeutic service,
27 including, but not limited to, the administration of a drug, and

1 any other service for the treatment of a mental illness.

2 Sec. 5c. (1) A license to carry a concealed pistol shall be in
3 a form, with the same dimensions as a Michigan operator license,
4 prescribed by the department of state police. **BEGINNING JULY 1,**
5 **2015, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**
6 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**
7 **UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00**
8 **MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE**
9 **COUNTY CLERK ALSO PROVIDES THE OPTION OF OBTAINING A PLASTIC**
10 **LAMINATED PAPER LICENSE AT NO CHARGE.** The license shall contain all
11 of the following:

12 (a) The licensee's full name and date of birth.

13 (b) A photograph and a physical description of the licensee.

14 (c) A statement of the effective dates of the license.

15 (d) An indication of exceptions authorized by this act
16 applicable to the licensee.

17 (e) An indication whether the license is a duplicate **OR**
18 **TEMPORARY LICENSE.**

19 **(F) IF THE LICENSE IS A TEMPORARY LICENSE, AN INDICATION THAT**
20 **THE TEMPORARY LICENSE DOES NOT EXEMPT THE INDIVIDUAL FROM COMPLYING**
21 **WITH ALL APPLICABLE LAWS FOR THE PURCHASE OF FIREARMS.**

22 (2) Subject to section 50 and except as otherwise provided by
23 law, a license to carry a concealed pistol issued by the ~~county~~
24 ~~concealed weapon licensing board~~ **COUNTY CLERK** authorizes the
25 licensee to do all of the following:

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

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

3 Sec. 5d. (1) If the ~~concealed weapon licensing board denies~~
4 ~~issuance of a license to carry a concealed pistol,~~ **COUNTY CLERK**
5 **ISSUES A NOTICE OF STATUTORY DISQUALIFICATION, FAILS TO PROVIDE A**
6 **RECEIPT THAT COMPLIES WITH SECTION 5B(9) OR 5/(3),** or fails to issue
7 ~~that a license~~ **TO CARRY A CONCEALED PISTOL** as provided in this act,
8 the applicant may appeal the ~~denial~~ **NOTICE OF STATUTORY**
9 **DISQUALIFICATION, THE FAILURE TO PROVIDE A RECEIPT,** or the failure
10 to issue the license to the circuit court in the judicial circuit
11 in which he or she resides. The appeal of the ~~denial~~ **NOTICE OF**
12 **STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A RECEIPT,** or
13 failure to issue a license shall be determined by a review of the
14 record for error. ~~, except that if the decision of the concealed~~
15 ~~weapon licensing board was based upon grounds specified in section~~
16 ~~5b(7)(n) that portion of the appeal shall be by hearing de novo.~~
17 ~~Witnesses in the hearing shall be sworn. A jury shall not be~~
18 ~~provided in a hearing under this section.~~

19 (2) If the court determines that the ~~denial~~ **NOTICE OF**
20 **STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A RECEIPT THAT**
21 **COMPLIES WITH SECTION 5B(9) OR 5/(3),** or failure to issue a license
22 was clearly erroneous **OR WAS ARBITRARY AND CAPRICIOUS,** the court
23 shall order the ~~concealed weapon licensing board~~ **COUNTY CLERK** to
24 issue a license **OR RECEIPT** as required by this act. **IF THE COURT**
25 **DETERMINES THAT THE NOTICE OF STATUTORY DISQUALIFICATION, FAILURE**
26 **TO PROVIDE A RECEIPT THAT COMPLIES WITH SECTION 5B(9) OR 5/(3), OR**
27 **FAILURE TO ISSUE A LICENSE WAS CLEARLY ERRONEOUS, THE COURT MAY**

1 REFUND ANY FILING FEES.

2 (3) If the court UNDER SUBSECTION (2) determines that the
3 ~~decision of the concealed weapon licensing board to deny issuance~~
4 ~~of~~ NOTICE OF STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A
5 RECEIPT THAT COMPLIES WITH SECTION 5B(9) OR 5/(3), OR FAILURE TO
6 ISSUE a license to an applicant was arbitrary and capricious, the
7 court shall order ~~this state to pay 1/3 and the county in which the~~
8 ~~concealed weapon licensing board is located~~ COUNTY CLERK, THE
9 ENTITY TAKING THE FINGERPRINTS, OR THE STATE to pay ~~2/3 of the~~
10 actual costs and actual attorney fees of the applicant in appealing
11 the ~~denial~~. NOTICE OF STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE
12 A RECEIPT THAT COMPLIES WITH SECTION 5B(9) OR 5/(3), OR FAILURE TO
13 ISSUE A LICENSE, ACCORDING TO THE DEGREE OF RESPONSIBILITY OF THE
14 COUNTY CLERK, THE ENTITY TAKING THE FINGERPRINTS, OR THE STATE.

15 ~~—— (4) If the court determines that an applicant's appeal was~~
16 ~~frivolous, the court shall order the applicant to pay the actual~~
17 ~~costs and actual attorney fees of the concealed weapon licensing~~
18 ~~board in responding to the appeal.~~

19 Sec. 5e. (1) The department of state police shall create and
20 maintain a computerized database of individuals who apply under
21 this act for a license to carry a concealed pistol. The database
22 shall contain only the following information as to each individual:

23 (a) The individual's name, date of birth, address, and county
24 of residence.

25 (b) If the individual is licensed to carry a concealed pistol
26 in this state, the license number, and date of expiration.

27 (c) Except as provided in subsection (2), if the individual

1 was denied a license to carry a concealed pistol after the
2 ~~effective date of the amendatory act that added this subdivision,~~
3 **JULY 1, 2001 OR ISSUED A NOTICE OF STATUTORY DISQUALIFICATION**, a
4 statement of the reasons for that denial **OR STATUTORY**
5 **DISQUALIFICATION**.

6 (d) A statement of all criminal charges pending and criminal
7 convictions obtained against the individual during the license
8 period.

9 (e) A statement of all determinations of responsibility for
10 civil infractions of this act pending or obtained against the
11 individual during the license period.

12 (2) If an individual who was denied a license to carry a
13 concealed pistol after ~~the effective date of the amendatory act~~
14 ~~that added this subsection~~ **JULY 1, 2001 OR ISSUED A NOTICE OF**
15 **STATUTORY DISQUALIFICATION** is subsequently issued a license to
16 carry a concealed pistol, the department of state police shall
17 delete from the computerized database the previous reasons for the
18 denial **OR NOTICE OF STATUTORY DISQUALIFICATION**.

19 (3) The department of state police shall enter the information
20 described in subsection (1)(a) and (b) into the law enforcement
21 information network.

22 (4) Information in the database, compiled under subsections
23 (1) through (3), is confidential, is not subject to disclosure
24 under the freedom of information act, 1976 PA 442, MCL 15.231 to
25 15.246, and shall not be disclosed to any person except for
26 purposes of this act or for law enforcement purposes. The
27 information compiled under subsection (5) is subject to disclosure

1 under the freedom of information act, 1976 PA 442, MCL 15.231 to
2 15.246.

3 (5) The department of state police shall file an annual report
4 with the secretary of the senate and the clerk of the house of
5 representatives setting forth all of the following information for
6 ~~each county concealed weapon licensing board.~~ **THE STATE:**

7 (a) The number of concealed pistol applications received.

8 (b) The number of concealed pistol licenses issued.

9 (c) The number of ~~concealed pistol licenses denied.~~ **STATUTORILY**
10 **DISQUALIFIED APPLICANTS.**

11 (d) Categories for ~~denial~~ **STATUTORY DISQUALIFICATION** under
12 subdivision (c).

13 (e) The number of concealed pistol licenses **SUSPENDED OR**
14 revoked.

15 (f) Categories for **SUSPENSION OR** revocation under subdivision
16 (e).

17 (g) The number of applications pending at the time the report
18 is made.

19 (h) The mean and median amount of time and the longest and
20 shortest amount of time used by the federal bureau of investigation
21 to supply the fingerprint comparison report required in section
22 ~~5b(11).~~ **5B(10)**. The department may use a statistically significant
23 sample to comply with this subdivision.

24 ~~—— (i) The number of charges of state civil infractions of this~~
25 ~~act or charges of criminal violations, categorized by offense,~~
26 ~~filed against individuals licensed to carry a concealed pistol that~~
27 ~~resulted in a finding of responsibility or a criminal conviction.~~

~~The report shall indicate the number of crimes in each category of criminal offense that involved the brandishing or use of a pistol, the number that involved the carrying of a pistol by the license holder during the commission of the crime, and the number in which no pistol was carried by the license holder during the commission of the crime.~~

~~—— (j) The number of pending criminal charges, categorized by offense, against individuals licensed to carry a concealed pistol.~~

~~—— (k) The number of criminal cases dismissed, categorized by offense, against individuals licensed to carry a concealed pistol.~~

~~—— (l) The number of cases filed against individuals licensed to carry a concealed pistol for criminal violations that resulted in a finding of not responsible or not guilty, categorized by offense.~~

~~—— (m) For the purposes of subdivisions (i), (j), (k), and (l), the department of state police shall use the data provided under section 5m.~~

(I) THE TOTAL NUMBER OF INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL FOUND RESPONSIBLE FOR A CIVIL VIOLATION OF THIS ACT, THE TOTAL NUMBER OF CIVIL VIOLATIONS OF THIS ACT CATEGORIZED BY OFFENSE, THE TOTAL NUMBER OF INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL CONVICTED OF A CRIME, AND THE TOTAL NUMBER OF THOSE CRIMINAL CONVICTIONS CATEGORIZED BY OFFENSE.

(J) ~~(n)~~ The number of suicides by individuals licensed to carry a concealed pistol.

(K) ACTUAL COSTS INCURRED PER PERMIT FOR THE DEPARTMENT OF STATE POLICE.

(l) ~~(o)~~ Actual costs incurred per permit for each county **CLERK.**

1 Sec. 5f. (1) An individual who is licensed under this act to
2 carry a concealed pistol shall have his or her license to carry
3 that pistol in his or her possession at all times he or she is
4 carrying a concealed pistol or a portable device that uses electro-
5 muscular disruption technology.

6 (2) An individual who is licensed under this act to carry a
7 concealed pistol and who is carrying a concealed pistol or a
8 portable device that uses electro-muscular disruption technology
9 shall show both of the following to a peace officer upon request
10 **FOR IDENTIFICATION** by that peace officer:

11 (a) His or her license to carry a concealed pistol.

12 (b) His or her driver license or Michigan personal
13 identification card.

14 (3) An individual licensed under this act to carry a concealed
15 pistol and who is carrying a concealed pistol or a portable device
16 that uses electro-muscular disruption technology and who is stopped
17 by a peace officer shall ~~immediately~~ **UPON REQUEST BY THAT PEACE**
18 **OFFICER** disclose to the peace officer that he or she is carrying a
19 pistol or a portable device that uses electro-muscular disruption
20 technology concealed upon his or her person or in his or her
21 vehicle.

22 (4) An individual who violates subsection (1) or (2) is
23 responsible for a state civil infraction and may be fined not more
24 than \$100.00.

25 (5) An individual who violates subsection (3) is responsible
26 for a state civil infraction and may be fined as follows:

27 (a) For a first offense, by a fine of not more than \$500.00 or

1 by the individual's license to carry a concealed pistol being
2 suspended for 6 months, or both.

3 (b) For a subsequent offense within 3 years of a prior
4 offense, by a fine of not more than \$1,000.00 and by the
5 individual's license to carry a concealed pistol being revoked.

6 (6) If an individual is found responsible for a state civil
7 infraction under ~~this section~~, **SUBSECTION (5) AND THE COURT**
8 **DETERMINES THAT INDIVIDUAL'S LICENSE SHALL BE SUSPENDED OR REVOKED,**
9 the court shall ~~notify the department of state police and ORDER the~~
10 ~~concealed weapon licensing board~~ **COUNTY CLERK** that issued the
11 license ~~of that determination~~. **TO SUSPEND OR REVOKE THAT LICENSE.**
12 **THE COUNTY CLERK SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF THE**
13 **SUSPENSION OR REVOCATION IN A MANNER PRESCRIBED BY THE DEPARTMENT**
14 **OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY**
15 **ENTER THAT SUSPENSION OR REVOCATION INTO THE LAW ENFORCEMENT**
16 **INFORMATION NETWORK.**

17 (7) A pistol or portable device that uses electro-muscular
18 disruption technology carried in violation of this section is
19 subject to immediate seizure by a peace officer. If a peace officer
20 seizes a pistol or portable device that uses electro-muscular
21 disruption technology under this subsection, the individual has 45
22 days in which to display his or her license or documentation to an
23 authorized employee of the law enforcement entity that employs the
24 peace officer. If the individual displays his or her license or
25 documentation to an authorized employee of the law enforcement
26 entity that employs the peace officer within the 45-day period, the
27 authorized employee of that law enforcement entity shall return the

1 pistol or portable device that uses electro-muscular disruption
2 technology to the individual unless the individual is prohibited by
3 law from possessing a firearm or portable device that uses electro-
4 muscular disruption technology. If the individual does not display
5 his or her license or documentation within the 45-day period, the
6 pistol or portable device that uses electro-muscular disruption
7 technology is subject to forfeiture as provided in section 5g. A
8 pistol or portable device that uses electro-muscular disruption
9 technology is not subject to immediate seizure under this
10 subsection if both of the following circumstances exist:

11 (a) The individual has his or her driver license or Michigan
12 personal identification card in his or her possession when the
13 violation occurs.

14 (b) The peace officer verifies through the law enforcement
15 information network that the individual is licensed under this act
16 to carry a concealed pistol.

17 (8) As used in this section, "peace officer" includes a motor
18 carrier officer appointed under section 6d of 1935 PA 59, MCL
19 28.6d, and security personnel employed by the state under section
20 6c of 1935 PA 59, MCL 28.6c.

21 Sec. 5j. (1) A pistol training or safety program described in
22 section 5b(7)(c) meets the requirements for knowledge or training
23 in the safe use and handling of a pistol only if the ~~program~~
24 ~~consists~~ **TRAINING WAS PROVIDED WITHIN 5 YEARS PRECEDING THE DATE OF**
25 **APPLICATION AND CONSISTED** of not less than 8 hours of instruction
26 and all of the following conditions are met:

27 (a) The program is certified by this state or a national or

1 state firearms training organization and provides 5 hours of
2 instruction in, but is not limited to providing instruction in, all
3 of the following:

4 (i) The safe storage, use, and handling of a pistol including,
5 but not limited to, safe storage, use, and handling to protect
6 child safety.

7 (ii) Ammunition knowledge, and the fundamentals of pistol
8 shooting.

9 (iii) Pistol shooting positions.

10 (iv) Firearms and the law, including civil liability issues and
11 the use of deadly force. This portion shall be taught by an
12 attorney or an individual trained in the use of deadly force.

13 (v) Avoiding criminal attack and controlling a violent
14 confrontation.

15 (vi) All laws that apply to carrying a concealed pistol in this
16 state.

17 (b) The program provides at least 3 hours of instruction on a
18 firing range and requires firing at least 30 rounds of ammunition.

19 (c) The program provides a certificate of completion that
20 states the program complies with the requirements of this section
21 and that the individual successfully completed the course, and that
22 contains the printed name and signature of the course instructor.

23 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion
24 shall contain the statement, "This course complies with section 5j
25 of 1927 PA 372.". **FOR CERTIFICATES ISSUED ON OR AFTER JULY 1, 2015,**
26 **EACH CERTIFICATE SHALL ALSO CONTAIN BOTH OF THE FOLLOWING, WHICH**
27 **SHALL BE PRINTED ON THE FACE OF THE CERTIFICATE OR ATTACHED IN A**

1 SEPARATE DOCUMENT:

2 (i) THE INSTRUCTOR'S NAME AND ADDRESS, AND TELEPHONE NUMBER IF
3 AVAILABLE.

4 (ii) THE NAME AND TELEPHONE NUMBER OF THE STATE AGENCY OR A
5 STATE OR NATIONAL FIREARMS TRAINING ORGANIZATION THAT HAS CERTIFIED
6 THE INDIVIDUAL AS AN INSTRUCTOR FOR PURPOSES OF THIS SECTION, HIS
7 OR HER INSTRUCTOR CERTIFICATION NUMBER, IF ANY, AND THE EXPIRATION
8 DATE OF THAT CERTIFICATION.

9 (d) The instructor of the course is certified by this state or
10 a STATE OR national FIREARMS TRAINING organization to teach the 8-
11 ~~hour~~-pistol safety training ~~course~~-COURSES described in this
12 section. THE COUNTY CLERK SHALL NOT REQUIRE ANY OTHER
13 CERTIFICATION.

14 (2) A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS
15 UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED
16 MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE
17 APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT
18 THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.

19 (3) ~~(2)~~-A person shall not do either of the following:

20 (a) Grant a certificate of completion described under
21 subsection (1)(c) to an individual knowing the individual did not
22 satisfactorily complete the course.

23 (b) Present a certificate of completion described under
24 subsection (1)(c) to a ~~concealed weapon licensing board~~ COUNTY
25 CLERK knowing that the individual did not satisfactorily complete
26 the course.

27 (4) ~~(3)~~-A person who violates subsection ~~(2)~~-(3) is guilty of

1 a felony punishable by imprisonment for not more than 4 years or a
2 fine of not more than \$2,500.00, or both.

3 (5) ~~(4) A concealed weapons licensing board~~ COUNTY CLERK shall
4 not require that a specific form, color, wording, or other content
5 appear on a certificate of completion, ~~except as provided in~~
6 ~~subsection (5), and shall accept as valid a certificate of~~
7 ~~completion issued prior to the effective date of the amendatory act~~
8 ~~that added this subsection that contains an inaccurate reference or~~
9 ~~no reference to this section but otherwise complies with this~~
10 ~~section.~~ **EXCEPT AS OTHERWISE REQUIRED UNDER THIS ACT.**

11 ~~—— (5) Beginning October 1, 2004, a concealed weapons licensing~~
12 ~~board shall require that a certificate of completion contain the~~
13 ~~statement, "This course complies with section 5j of 1927 PA 372."~~

14 Sec. 5k. (1) Acceptance of a license issued under this act to
15 carry a concealed pistol constitutes implied consent to submit to a
16 chemical analysis under this section. This section also applies to
17 individuals listed in section 12a.

18 (2) An individual shall not carry a concealed pistol or
19 portable device that uses electro-muscular disruption technology
20 while he or she is under the influence of alcoholic liquor or a
21 controlled substance or while having a bodily alcohol content
22 prohibited under this section. An individual who violates this
23 section is responsible for a state civil infraction or guilty of a
24 crime as follows:

25 (a) If the person was under the influence of alcoholic liquor
26 or a controlled substance or a combination of alcoholic liquor and
27 a controlled substance, or had a bodily alcohol content of .10 or

1 more grams per 100 milliliters of blood, per 210 liters of breath,
2 or per 67 milliliters of urine, the individual is guilty of a
3 misdemeanor punishable by imprisonment for not more than 93 days or
4 \$100.00, or both. The court ~~shall~~**MAY** order the ~~concealed weapon~~
5 ~~licensing board~~**COUNTY CLERK** that issued the individual a license
6 to carry a concealed pistol to ~~permanently~~ revoke the license. The
7 ~~concealed weapon licensing board shall permanently revoke the~~
8 ~~license as ordered by the court.~~**THE COUNTY CLERK THAT ISSUED THE**
9 **LICENSE SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF THE**
10 **REVOCATION IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE**
11 **POLICE. THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THAT**
12 **REVOCATION INTO THE LAW ENFORCEMENT INFORMATION NETWORK.**

13 (b) If the person had a bodily alcohol content of .08 or more
14 but less than .10 grams per 100 milliliters of blood, per 210
15 liters of breath, or per 67 milliliters of urine, the individual is
16 guilty of a misdemeanor punishable by imprisonment for not more
17 than 93 days or \$100.00, or both. The court may order the ~~concealed~~
18 ~~weapon licensing board~~**COUNTY CLERK** that issued the individual a
19 license to carry a concealed pistol to ~~revoke~~**SUSPEND** the license
20 for not more than 3 years. The ~~concealed weapon licensing board~~
21 ~~shall revoke the license as ordered by the court.~~**THE COUNTY CLERK**
22 **THAT ISSUED THE LICENSE SHALL NOTIFY THE DEPARTMENT OF STATE POLICE**
23 **OF THAT SUSPENSION IN A MANNER PRESCRIBED BY THE DEPARTMENT OF**
24 **STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY**
25 **ENTER THAT SUSPENSION INTO THE LAW ENFORCEMENT INFORMATION NETWORK.**

26 (c) If the person had a bodily alcohol content of .02 or more
27 but less than .08 grams per 100 milliliters of blood, per 210

1 liters of breath, or per 67 milliliters of urine, the individual is
2 responsible for a state civil infraction and may be fined not more
3 than \$100.00. The court may order the ~~concealed weapon licensing~~
4 ~~board~~ **COUNTY CLERK** that issued the individual the license to ~~revoke~~
5 **SUSPEND** the license for 1 year. ~~The concealed weapon licensing~~
6 ~~board shall revoke the license as ordered by the court. The court~~
7 ~~shall notify the concealed weapon licensing board that issued the~~
8 ~~individual a license to carry a concealed pistol if an individual~~
9 ~~is found responsible for a subsequent violation of this~~
10 ~~subdivision.~~ **THE COUNTY CLERK THAT ISSUED THE LICENSE SHALL NOTIFY**
11 **THE DEPARTMENT OF STATE POLICE OF THAT SUSPENSION IN A MANNER**
12 **PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF**
13 **STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION INTO THE LAW**
14 **ENFORCEMENT INFORMATION NETWORK.**

15 (3) This section does not prohibit an individual licensed
16 under this act to carry a concealed pistol who has any bodily
17 alcohol content from doing any of the following:

18 (a) Transporting that pistol in the locked trunk of his or her
19 motor vehicle or another motor vehicle in which he or she is a
20 passenger or, if the vehicle does not have a trunk, from
21 transporting that pistol unloaded in a locked compartment or
22 container that is separated from the ammunition for that pistol.

23 (b) Transporting that pistol on a vessel if the pistol is
24 transported unloaded in a locked compartment or container that is
25 separated from the ammunition for that pistol.

26 (c) Transporting a portable device using electro-muscular
27 disruption technology in the locked trunk of his or her motor

1 vehicle or another motor vehicle in which he or she is a passenger,
2 or, if the vehicle does not have a trunk, from transporting that
3 portable device in a locked compartment or container.

4 (d) Transporting a portable device using electro-muscular
5 disruption technology on a vessel if the portable device is
6 transported in a locked compartment or container.

7 (4) A peace officer who has probable cause to believe an
8 individual is carrying a concealed pistol or a portable device
9 using electro-muscular disruption technology in violation of this
10 section may require the individual to submit to a chemical analysis
11 of his or her breath, blood, or urine.

12 (5) Before an individual is required to submit to a chemical
13 analysis under subsection (4), the peace officer shall inform the
14 individual of all of the following:

15 (a) The individual may refuse to submit to the chemical
16 analysis, but if he or she chooses to do so, all of the following
17 apply:

18 (i) The officer may obtain a court order requiring the
19 individual to submit to a chemical analysis.

20 (ii) The refusal may result in his or her license to carry a
21 concealed pistol being suspended. ~~or revoked.~~

22 (b) If the individual submits to the chemical analysis, he or
23 she may obtain a chemical analysis described in subsection (4) from
24 a person of his or her own choosing.

25 (6) The collection and testing of breath, blood, and urine
26 specimens under this section shall be conducted in the same manner
27 that breath, blood, and urine specimens are collected and tested

1 for alcohol- and controlled-substance-related driving violations
2 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

3 (7) If a person refuses to take a chemical test authorized
4 under this section, **AND** the peace officer ~~shall promptly report the~~
5 ~~refusal in writing to the concealed weapon licensing board that~~
6 ~~issued the license to the individual to carry a concealed~~
7 ~~pistol.~~ **OBTAINS A COURT ORDER REQUIRING THE INDIVIDUAL TO SUBMIT TO**
8 **A CHEMICAL ANALYSIS, THE COURT SHALL ORDER THE COUNTY CLERK THAT**
9 **ISSUED THE LICENSE TO SUSPEND THE LICENSE FOR 1 YEAR. THE COUNTY**
10 **CLERK SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF THE SUSPENSION**
11 **IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE**
12 **DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION**
13 **INTO THE LAW ENFORCEMENT INFORMATION NETWORK.**

14 ~~—— (8) If a person takes a chemical test authorized under this~~
15 ~~section and the test results indicate that the individual had any~~
16 ~~bodily alcohol content while carrying a concealed pistol, the peace~~
17 ~~officer shall promptly report the violation in writing to the~~
18 ~~concealed weapon licensing board that issued the license to the~~
19 ~~individual to carry a concealed pistol.~~

20 (8) ~~(9)~~ As used in this section:

21 (a) "Alcoholic liquor" means that term as defined in section
22 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
23 436.1105.

24 (b) "Controlled substance" means that term as defined in
25 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

26 (C) "UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED
27 SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A

1 PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT
2 PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION
3 OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.

4 Sec. 5l. ~~(1) A license to carry a concealed pistol issued on or~~
5 ~~after July 1, 2003 but before July 1, 2006 is valid for 5 years.~~

6 (1) ~~(2) An initial~~ A license to carry a concealed pistol,
7 ~~issued or renewed on or after July 1, 2006, other than a license~~
8 ~~described in subsection (1),~~ INCLUDING A RENEWAL LICENSE, is valid
9 until the applicant's date of birth that falls not less than 4
10 years or more than 5 years after the license is issued or renewed,
11 as applicable. THE COUNTY CLERK SHALL NOTIFY THE LICENSEE THAT HIS
12 OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE RENEWED AS PROVIDED IN
13 THIS SECTION. THE NOTIFICATION SHALL BE SENT BY THE COUNTY CLERK TO
14 THE LAST KNOWN ADDRESS OF THE LICENSEE AS SHOWN ON THE RECORDS OF
15 THE COUNTY CLERK. THE NOTIFICATION SHALL BE SENT IN A SEALED
16 ENVELOPE BY FIRST-CLASS MAIL NOT LESS THAN 3 MONTHS OR MORE THAN 6
17 MONTHS BEFORE THE EXPIRATION DATE OF THE CURRENT LICENSE. Except as
18 provided in subsections ~~(8)–(6)~~ and ~~(9)–(7)~~, a renewal of a
19 license under section 5b shall, except as provided in this section,
20 be issued in the same manner as an original license issued under
21 section 5b. AN APPLICANT IS ELIGIBLE FOR A RENEWAL OF A LICENSE
22 UNDER THIS SECTION IF HIS OR HER LICENSE IS NOT EXPIRED, OR EXPIRED
23 WITHIN A 5-YEAR PERIOD BEFORE THE DATE OF APPLICATION UNDER THIS
24 SECTION.

25 (2) ~~(3)~~ Subject to subsections ~~(8)–(6)~~ and ~~(9)–(7)~~, an
26 application to renew a license to carry a concealed pistol may be
27 submitted not more than 6 months before the expiration of the

current license. A MEMBER OF THE UNITED STATES ARMED FORCES, THE UNITED STATES ARMED FORCES RESERVE, OR THE MICHIGAN NATIONAL GUARD WHO IS ON OFFICIAL ASSIGNMENT OR DEPLOYMENT ORDERS OUTSIDE OF THIS STATE MAY SUBMIT HIS OR HER APPLICATION TO RENEW A LICENSE TO CARRY A CONCEALED PISTOL BY FIRST-CLASS MAIL, CONTAINING THE REQUIRED FEE, A NOTARIZED APPLICATION, AND THE LICENSEE'S ASSIGNMENT OR DEPLOYMENT ORDERS IN A FORM REQUIRED BY THE COUNTY CLERK. If the ~~concealed weapon licensing board approves~~ COUNTY CLERK ISSUES the renewal, the effective date of the renewal license is the date of expiration of the current license or the date of ~~approval~~ **ISSUE** of the renewal, whichever is later, and the date of expiration is the applicant's date of birth which is not less than 4 years or more than 5 years from the effective date of the license.

(3) ~~(4) The concealed weapon licensing board~~ **DEPARTMENT OF STATE POLICE SHALL COMPLETE THE VERIFICATION REQUIRED UNDER SECTION 5B(6) AND THE COUNTY CLERK shall issue or deny issuance of a renewal license OR A NOTICE OF STATUTORY DISQUALIFICATION within 60 45 days after the DATE OF application for renewal. is properly submitted. The county clerk shall issue the applicant a receipt for his or her renewal application at the time the application is submitted. The **COUNTY CLERK SHALL SEND A RECEIPT BY FIRST-CLASS MAIL FOR AN INDIVIDUAL WHO SUBMITTED HIS OR HER APPLICATION BY MAIL UNDER SUBSECTION (2) TO HIS OR HER ADDRESS LISTED IN THE RECORDS OF THE COUNTY CLERK. A receipt ISSUED UNDER THIS SUBSECTION shall contain all of the following:****

(a) The name of the applicant.

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

(c) The amount paid.

(d) ~~A THE statement, that the receipt is for a license renewal.~~ "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF RENEWAL OF A CONCEALED PISTOL LICENSE. AS PROVIDED IN SECTION 5/ OF 1927 PA 372, MCL 28.425/, THIS RECEIPT SHALL SERVE AS A CONCEALED PISTOL LICENSE FOR THE INDIVIDUAL NAMED IN THE RECEIPT WHEN CARRIED WITH THE EXPIRED LICENSE AND IS VALID UNTIL A LICENSE OR NOTICE OF STATUTORY DISQUALIFICATION IS ISSUED BY THE COUNTY CLERK. THIS RECEIPT DOES NOT EXEMPT THE INDIVIDUAL NAMED IN THE RECEIPT FROM COMPLYING WITH ALL APPLICABLE LAWS FOR THE PURCHASE OF FIREARMS.".

~~—— (e) A statement of whether the applicant qualifies for an extension under subsection (5).~~

(E) ~~(f)~~ The name of the county in which the receipt is issued.

~~—— (g) An impression of the county seal.~~

(4) ~~(5)~~ If the concealed weapon licensing board fails to deny or issue a renewal license to the person within 60 days as required under subsection (4), AN INDIVIDUAL APPLIES FOR A RENEWAL LICENSE BEFORE THE EXPIRATION OF HIS OR HER LICENSE, the expiration date of the current license is extended by 180 days or until the renewal license OR NOTICE OF STATUTORY DISQUALIFICATION is issued. 7

~~whichever occurs first. This subsection does not apply unless the person pays the renewal fee at the time the renewal application is submitted and the person has submitted a receipt from a police agency that confirms that a background check has been requested by the applicant.~~ THE COUNTY CLERK SHALL NOTIFY THE DEPARTMENT OF STATE POLICE IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE AFTER HE OR SHE RECEIVES AN APPLICATION FOR RENEWAL. THE DEPARTMENT

1 OF STATE POLICE SHALL IMMEDIATELY ENTER INTO THE LAW ENFORCEMENT
2 INFORMATION NETWORK THE DATE THAT APPLICATION FOR RENEWAL WAS
3 SUBMITTED AND THAT THE RENEWAL APPLICATION IS PENDING.

4 (5) ~~(6)~~ A person carrying a concealed pistol after the
5 expiration date of his or her license ~~pursuant to~~ UNDER an
6 extension under subsection ~~(5)~~ (4) shall keep the receipt issued by
7 the county clerk under subsection ~~(4)~~ (3) and his or her expired
8 license in his or her possession at all times that he or she is
9 carrying the pistol. For the purposes of this act, the receipt is
10 considered to be part of the license to carry a concealed pistol
11 until a renewal license OR NOTICE OF STATUTORY DISQUALIFICATION is
12 issued. ~~or denied. Failing~~ UNLESS A PEACE OFFICER CAN VERIFY
13 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE
14 INDIVIDUAL'S RENEWAL APPLICATION IS PENDING, FAILING to have the
15 receipt and expired license in possession while carrying a
16 concealed pistol ~~or failing to display the receipt to a peace~~
17 ~~officer upon request~~ is a violation of this act. FAILING TO DISPLAY
18 A RECEIPT TO A PEACE OFFICER UPON REQUEST IS A VIOLATION OF THIS
19 ACT.

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

23 (6) ~~(8)~~ The educational requirements under section 5b(7)(c)
24 for an applicant who is applying for a renewal of a license under
25 this act are waived except that the applicant shall certify that he
26 or she has completed at least 3 hours' review of the training
27 described under section 5b(7)(c) and has had at least 1 hour of

firing range time in the 6 months immediately preceding the subsequent application. **THE EDUCATIONAL AND FIRING RANGE REQUIREMENTS OF THIS SUBSECTION ARE MET IF THE APPLICANT CERTIFIES ON THE RENEWAL APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH THE REQUIREMENTS OF THIS SUBSECTION. THE COUNTY CLERK SHALL NOT OTHERWISE REQUIRE VERIFICATION OF THE STATEMENTS MADE UNDER THIS SUBSECTION AND SHALL NOT REQUIRE AN APPLICANT TO OBTAIN A CERTIFICATE OR UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS SUBSECTION.**

(7) ~~(9) Beginning January 1, 2007, an~~ **AN** applicant who is applying for a renewal of a license issued under section 5b is not required to have fingerprints taken again under section 5b(9) if all of the following conditions have been met:

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

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

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

(a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying

1 a concealed pistol while in a vehicle on school property, if he or
2 she is dropping the student off at the school or picking up the
3 ~~child~~**STUDENT** from the school. As used in this section, "school"
4 and "school property" mean those terms as defined in section 237a
5 of the Michigan penal code, 1931 PA 328, MCL 750.237a.

6 (b) A public or private child care center or day care center,
7 public or private child caring institution, or public or private
8 child placing agency.

9 (c) A sports arena or stadium.

10 (d) A bar or tavern licensed under the Michigan liquor control
11 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
12 primary source of income of the business is the sale of alcoholic
13 liquor by the glass and consumed on the premises. This subdivision
14 does not apply to an owner or employee of the business. The
15 Michigan liquor control commission shall develop and make available
16 to holders of licenses under the Michigan liquor control code of
17 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
18 stating that "This establishment prohibits patrons from carrying
19 concealed weapons". The owner or operator of an establishment
20 licensed under the Michigan liquor control code of 1998, 1998 PA
21 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
22 sign developed under this subdivision. A record made available by
23 an establishment licensed under the Michigan liquor control code of
24 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce
25 this subdivision is exempt from disclosure under the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 (e) Any property or facility owned or operated by a church,

1 synagogue, mosque, temple, or other place of worship, unless the
2 presiding official or officials of the church, synagogue, mosque,
3 temple, or other place of worship permit the carrying of concealed
4 pistol on that property or facility.

5 (f) An entertainment facility with a seating capacity of 2,500
6 or more individuals that the individual knows or should know has a
7 seating capacity of 2,500 or more individuals or that has a sign
8 above each public entrance stating in letters not less than 1-inch
9 high a seating capacity of 2,500 or more individuals.

10 (g) A hospital.

11 (h) A dormitory or classroom of a community college, college,
12 or university.

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

16 (3) An individual licensed under this act to carry a concealed
17 pistol, or who is exempt from licensure under section ~~12a(1)(f)~~,
18 **12A(1)(H)**, shall not carry a concealed pistol in violation of R
19 432.1212 or a successor rule of the Michigan administrative code
20 promulgated under the Michigan gaming control and revenue act, 1996
21 IL 1, MCL 432.201 to 432.226.

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

24 (5) Subsections (1) and (2) do not apply to any of the
25 following:

26 (a) An individual licensed under this act who is a retired
27 police officer or retired law enforcement officer. ~~The concealed~~

~~1 weapon licensing board may require a letter from the law
2 enforcement agency stating that the retired police officer or law
3 enforcement officer retired in good standing.~~

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

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

12 (d) An individual who is licensed under this act and who is a
13 corrections officer of a county sheriff's department.

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

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

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

22 (h) An individual who is licensed under this act and who is a
23 parole or probation officer of the department of corrections.

24 (i) A state court judge or state court retired judge who is
25 licensed under this act. ~~The concealed weapon licensing board may
26 require a state court retired judge to obtain and carry a letter
27 from the judicial tenure commission stating that the state court~~

~~retired judge is in good standing as authorized under section 30 of article VI of the state constitution of 1963, and rules promulgated under that section, in order to qualify under this subdivision.~~

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

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

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

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

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

SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED FOR THE COUNTY CLERK UNDER THIS ACT. THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE CONCEALED PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND

ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN APPROPRIATION. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL LICENSING FUND SHALL BE USED BY THE COUNTY CLERK ONLY FOR THE COST OF ADMINISTERING THIS ACT. ALLOWABLE EXPENDITURES INCLUDE, BUT ARE NOT LIMITED TO, ANY OF THE FOLLOWING COSTS OF THE COUNTY CLERK:

(A) STAFFING REQUIREMENTS.

(B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE FINGERPRINTS BY ELECTRONIC MEANS.

(C) OFFICE SUPPLIES.

(D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM UPGRADES.

Sec. 8. (1) ~~The concealed weapon licensing board that issued a license to an individual to carry a concealed pistol~~ A COURT may ORDER A COUNTY CLERK WHO ISSUED THE LICENSE TO CARRY A CONCEALED PISTOL TO SUSPEND OR revoke ~~that~~ A license AS PERMITTED UNDER THIS ACT if the ~~board~~ COURT determines that the individual committed any violation of this act other than a violation of section 5f(4). If the ~~board~~ COURT determines that the individual has been found responsible for 3 or more state civil infraction violations of this act during the license period, the ~~board~~ COURT shall conduct a hearing and may ORDER THE COUNTY CLERK THAT ISSUED THE LICENSE TO CARRY A CONCEALED PISTOL TO suspend the individual's license for not more than 1 year.

(2) Except as provided in subsections (3) ~~, OR (4), and (5),~~ a license shall not be SUSPENDED OR revoked under this section except upon written complaint and an opportunity for a hearing. ~~before the board. The board shall give the individual at least 10 days' notice~~

1 ~~of a hearing under this section. The notice shall be by personal~~
2 ~~service or by certified mail delivered to the individual's last~~
3 ~~known address.~~

4 (3) ~~If the concealed weapon licensing board is notified by a~~
5 ~~law enforcement agency or prosecuting official that an individual~~
6 ~~licensed to carry a concealed pistol is charged with a felony or~~
7 ~~misdemeanor as defined in this act, the concealed weapon licensing~~
8 ~~board~~ **COURT** shall immediately **ORDER THE COUNTY CLERK THAT ISSUED**
9 **THE LICENSE TO CARRY A CONCEALED PISTOL TO** suspend the individual's
10 license until there is a final disposition of the charge for that
11 offense. ~~and~~ **THE COUNTY CLERK SHALL** send notice **BY FIRST-CLASS MAIL**
12 **IN A SEALED ENVELOPE** of that suspension to the individual's last
13 known address as indicated in the records of the ~~concealed weapon~~
14 ~~licensing board.~~ **COUNTY CLERK.** The notice shall ~~inform the~~
15 ~~individual that he or she is entitled to a prompt hearing on the~~
16 ~~suspension, and the concealed weapon licensing board shall conduct~~
17 ~~a prompt hearing if requested in writing by the individual. The~~
18 **INCLUDE THE STATUTORY REASON FOR THE SUSPENSION, THE RECORD**
19 **SUPPORTING THAT SUSPENSION, THE LENGTH OF THE SUSPENSION, AND THE**
20 **PROCESS FOR REINSTATING THE LICENSE ON EXPIRATION OF THE**
21 **SUSPENSION, CORRECTING ERRORS IN THE RECORD, OR APPEALING THE**
22 **SUSPENSION. EXCEPT AS PROVIDED IN SUBSECTION (6), THE** requirements
23 of subsection (2) do not apply to this subsection. **IF A COURT**
24 **ORDERED A LICENSE SUSPENDED UNDER THIS SUBSECTION AND THE**
25 **INDIVIDUAL IS ACQUITTED OF THE CHARGE OR THE CHARGE IS DISMISSED,**
26 **THE COURT SHALL NOTIFY THE COUNTY CLERK WHO SHALL AUTOMATICALLY**
27 **REINSTATE THE LICENSE IF THE LICENSE IS NOT EXPIRED AND THE**

1 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE TO CARRY A
2 CONCEALED PISTOL, AS VERIFIED BY THE DEPARTMENT OF STATE POLICE. A
3 COUNTY CLERK SHALL NOT CHARGE A FEE FOR THE REINSTATEMENT OF A
4 LICENSE UNDER THIS SUBSECTION.

5 (4) ~~The concealed weapon licensing board~~ COURT SHALL ORDER THE
6 COUNTY CLERK that issued a license to an individual to carry a
7 concealed pistol ~~shall~~ TO revoke ~~that~~ A license if the ~~board~~ COURT
8 determines that the individual is not eligible under this act to
9 receive a license to carry a concealed pistol. ~~The concealed weapon~~
10 ~~licensing board~~ COUNTY CLERK shall immediately send notice of the
11 ~~fact of and the reason for the revocation under this subsection by~~
12 ~~first class mail~~ IN A SEALED ENVELOPE to the individual's last
13 known address as indicated on the records of the ~~concealed weapon~~
14 ~~licensing board.~~ The COUNTY CLERK. THE NOTICE SHALL INCLUDE THE
15 STATUTORY REASON FOR THE REVOCATION, THE RECORD SUPPORTING THE
16 REVOCATION, THE LENGTH OF THE REVOCATION, AND THE PROCESS FOR
17 CORRECTING ERRORS IN THE RECORD, APPEALING THE REVOCATION, AND
18 REAPPLYING FOR THAT INDIVIDUAL'S LICENSE. THE COUNTY CLERK SHALL
19 NOTIFY THE DEPARTMENT OF STATE POLICE OF THE REVOCATION IN A MANNER
20 PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF
21 STATE POLICE SHALL IMMEDIATELY ENTER THAT REVOCATION INTO THE LAW
22 ENFORCEMENT INFORMATION NETWORK. EXCEPT AS PROVIDED IN SUBSECTION
23 (6), THE requirements of subsection (2) do not apply to this
24 subsection.

25 ~~—— (5) If the concealed weapon licensing board determines by~~
26 ~~clear and convincing evidence based on specific articulable facts~~
27 ~~that the applicant poses a danger to the applicant or to any other~~

~~person, the concealed weapon licensing board shall immediately suspend the individual's license pending a revocation hearing under this section. The concealed weapon licensing board shall send notice of the suspension to the individual's last known address as indicated in the records of the concealed weapon licensing board. The notice shall inform the individual that he or she is entitled to a prompt hearing on the suspension, and the concealed weapon licensing board shall conduct a prompt hearing if requested in writing by the individual. The requirements of subsection (2) do not apply to this subsection.~~

(5) AN INDIVIDUAL IS ENTITLED TO BE REPRESENTED BY LEGAL COUNSEL DURING A HEARING UNDER THIS SECTION AND TO PRESENT RELEVANT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES, ON HIS OR HER BEHALF. IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS, AS APPLICABLE, OR UNTIL THE FINAL DISPOSITION OF THE CHARGE. THE LICENSEE SHALL PROMPTLY SURRENDER HIS OR HER LICENSE TO THE COUNTY CLERK AFTER BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN REVOKED OR SUSPENDED.

(6) IF A COURT ORDERED A LICENSE SUSPENDED UNDER THIS SECTION AND THAT LICENSE WAS SURRENDERED BY THE LICENSEE, UPON EXPIRATION OF THE SUSPENSION PERIOD, THE APPLICANT MAY APPLY FOR A RENEWAL LICENSE IN THE SAME MANNER AS PROVIDED UNDER SECTION 5/. THE COUNTY CLERK SHALL ISSUE THE APPLICANT A RECEIPT FOR HIS OR HER APPLICATION AT THE TIME THE APPLICATION IS SUBMITTED. THE RECEIPT SHALL CONTAIN ALL OF THE FOLLOWING:

(A) THE NAME OF THE APPLICANT.

1 (B) THE DATE AND TIME THE RECEIPT IS ISSUED.

2 (C) THE AMOUNT PAID.

3 (D) THE STATEMENT, "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF
4 APPLYING FOR A RENEWAL OF A CONCEALED PISTOL LICENSE FOLLOWING A
5 PERIOD OF SUSPENSION OR REVOCATION. THIS RECEIPT DOES NOT AUTHORIZE
6 AN INDIVIDUAL TO CARRY A CONCEALED PISTOL IN THIS STATE.".

7 (E) THE NAME OF THE COUNTY IN WHICH THE RECEIPT IS ISSUED.

8 (7) IF A COURT ORDERED A LICENSE SUSPENDED OR REVOKED BECAUSE
9 OF AN ORDER UNDER SECTION 5B(7)(D) (iii) AND THAT LICENSE WAS
10 SURRENDERED BY THE LICENSEE, UPON EXPIRATION OF THE ORDER, THE
11 COURT SHALL NOTIFY THE COUNTY CLERK WHO SHALL AUTOMATICALLY
12 REINSTATE THE LICENSE IF THE LICENSE IS NOT EXPIRED AND THE
13 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE TO CARRY A
14 CONCEALED PISTOL, AS VERIFIED BY THE DEPARTMENT OF STATE POLICE.
15 THE COUNTY CLERK SHALL NOT CHARGE A FEE FOR THE REINSTATEMENT OF A
16 LICENSE UNDER THIS SUBSECTION.

17 (8) ~~(6) If the concealed weapon licensing board~~ COURT orders a
18 ~~license suspended or revoked~~ COUNTY CLERK TO SUSPEND, REVOKE, OR
19 REINSTATE A LICENSE under this section or amends a suspension, or
20 revocation, OR REINSTATEMENT order, the ~~concealed weapon licensing~~
21 ~~board~~ COUNTY CLERK shall immediately notify a law enforcement
22 ~~agency having jurisdiction in the county in which the concealed~~
23 ~~weapon licensing board is located to~~ THE DEPARTMENT OF STATE POLICE
24 IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE
25 DEPARTMENT OF STATE POLICE SHALL enter the order or amended order
26 into the law enforcement information network. ~~A law enforcement~~
27 ~~agency that receives notice of an order or amended order under this~~

~~subsection from a concealed weapon licensing board shall immediately enter the order or amended order into the law enforcement information network as requested by that concealed weapon licensing board.~~

(9) ~~(7)~~—A suspension or revocation order or amended order issued under this section is immediately effective. However, an individual is not criminally liable for violating the order or amended order unless he or she has received notice of the order or amended order.

(10) ~~(8)~~—If an individual is carrying a pistol in violation of a suspension or revocation order or amended order issued under this section but has not previously received notice of the order or amended order, the individual shall be informed of the order or amended order and be given an opportunity to properly store the pistol or otherwise comply with the order or amended order before an arrest is made for carrying the pistol in violation of this act.

(11) ~~(9)~~—If a law enforcement agency or officer notifies an individual of a suspension or revocation order or amended order issued under this section who has not previously received notice of the order or amended order, the law enforcement agency or officer shall enter a statement into the law enforcement information network that the individual has received notice of the order or amended order under this section.

~~(10) The clerk of the concealed weapon licensing board is authorized to administer an oath to any individual testifying before the board at a hearing under this section.~~

Enacting section 1. Sections 5m and 6a of 1927 PA 372, MCL

1 28.425m and 28.426a, are repealed.

2 Enacting section 2. This amendatory act takes effect July 1,
3 2015.