

**SENATE BILL NO. 460**

March 23, 1999, Introduced by Senators JAYE and DINGELL and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending the title and sections 1, 6a, 8, 9d, 10, 12, 12a, 12c, and 14 (MCL 28.421, 28.426a, 28.428, 28.429d, 28.430, 28.432, 28.432a, 28.432c, and 28.434), the title as amended and sections 9d and 10 as added by 1990 PA 320, section 1 as amended by 1992 PA 219, section 6a as amended by 1991 PA 34, and section 12c as added by 1992 PA 220, and by adding sections 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, and 5m; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## 1 TITLE

2 An act to regulate and license the selling, purchasing, pos-  
3 sessing, and carrying of certain firearms and gas ejecting  
4 devices; to prohibit the buying, selling, or carrying of certain  
5 firearms and gas ejecting devices without a license OR OTHER  
6 AUTHORIZATION; to provide for the forfeiture of firearms  
7 ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES;  
8 to provide immunity from civil liability under certain circum-  
9 stances; to prescribe the powers and duties of certain state and  
10 local agencies; TO PROHIBIT CERTAIN CONDUCT AGAINST INDIVIDUALS  
11 WHO APPLY FOR OR RECEIVE CONCEALED WEAPON PERMITS; TO PROHIBIT  
12 CERTAIN CONDUCT AGAINST INDIVIDUALS WHO ACT AS REFERENCES FOR  
13 INDIVIDUALS WHO APPLY FOR CONCEALED WEAPON PERMITS; TO PRESCRIBE  
14 PENALTIES; TO PROVIDE REMEDIES; and to repeal ~~all~~ acts and  
15 parts of acts. ~~inconsistent with the provisions of this act.~~

16 Sec. 1. As used in this act:

17 (A) "DEPARTMENT" MEANS THE MICHIGAN DEPARTMENT OF STATE.

18 (B) ~~(a)~~ "Firearm" means a weapon from which a dangerous  
19 projectile may be propelled by an explosive, or by gas or air.  
20 Firearm does not include a smooth bore rifle or handgun designed  
21 and manufactured exclusively for propelling by a spring, or by  
22 gas or air, BB's not exceeding .177 caliber.

23 (C) ~~(b)~~ "Pistol" means a loaded or unloaded firearm that  
24 is 30 inches or less in length, or a loaded or unloaded firearm  
25 that by its construction and appearance conceals it as a  
26 firearm.

1           (D) ~~(c)~~ "Purchaser" means a person who receives a pistol  
2 from another person by purchase, gift, or loan.

3           (E) ~~(d)~~ "Seller" means a person who sells, furnishes,  
4 loans, or gives a pistol to another person.

5           SEC. 5B. (1) AN INDIVIDUAL MAY APPLY TO THE DEPARTMENT FOR  
6 A LICENSE TO CARRY A CONCEALED PISTOL. THE APPLICATION SHALL BE  
7 FILED WITH THE DEPARTMENT DURING NORMAL BUSINESS HOURS. THE  
8 APPLICATION SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT. THE  
9 DEPARTMENT SHALL TAKE A PHOTOGRAPH OF THE APPLICANT AT THE TIME  
10 THE APPLICATION IS FILED. THE APPLICATION SHALL BE SIGNED UNDER  
11 OATH BY THE APPLICANT. THE OATH SHALL BE ADMINISTERED BY AN  
12 AUTHORIZED EMPLOYEE OF THE DEPARTMENT. THE APPLICATION SHALL  
13 CONTAIN ALL OF THE FOLLOWING INFORMATION:

14           (A) THE APPLICANT'S NAME AND ADDRESS.

15           (B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS  
16 FAMILIAR WITH THE PROVISIONS OF THIS ACT AS THEY RELATE TO CARRY-  
17 ING A CONCEALED PISTOL.

18           (C) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS  
19 THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED  
20 PISTOL.

21           (D) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE  
22 HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY CRIME  
23 INVOLVING DOMESTIC VIOLENCE.

24           (2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING  
25 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTION-  
26 ALLY MAKING A MATERIAL FALSE STATEMENT ON THE APPLICATION IS A

1 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A  
2 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

3 (3) AN INDIVIDUAL WHO INTENTIONALLY MAKES A MATERIAL FALSE  
4 STATEMENT ON AN APPLICATION FOR A LICENSE TO CARRY A CONCEALED  
5 PISTOL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
6 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

7 (4) THE DEPARTMENT SHALL RETAIN A COPY OF EACH APPLICATION  
8 FOR A LICENSE TO CARRY A CONCEALED PISTOL AS AN OFFICIAL RECORD.

9 (5) EACH APPLICANT SHALL PAY A \$50.00 FEE AT THE TIME OF  
10 FILING AN APPLICATION UNDER THIS SECTION. THE FEE SHALL BE PAY-  
11 ABLE TO THE STATE OF MICHIGAN.

12 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, UPON PROPER  
13 APPLICATION THE DEPARTMENT SHALL PROMPTLY ISSUE A LICENSE TO AN  
14 APPLICANT TO CARRY A CONCEALED PISTOL IF THE DEPARTMENT DETER-  
15 MINES THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

16 (A) THE APPLICANT IS 21 YEARS OF AGE OR OLDER.

17 (B) THE APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSI-  
18 TION UNDER ANY OF THE FOLLOWING:

19 (i) SECTION 464A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL  
20 330.1464A.

21 (ii) SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642,  
22 MCL 700.444A.

23 (iii) SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961,  
24 1961 PA 236, MCL 600.2950.

25 (iv) SECTION 2950A OF THE REVISED JUDICATURE ACT OF 1961,  
26 1961 PA 236, MCL 600.2950A.

1           (v) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL  
2 PROCEDURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION  
3 IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF  
4 CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

5           (vi) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-  
6 CEDURE, 1927 PA 175, MCL 769.16B.

7           (C) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING,  
8 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,  
9 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN  
10 PENAL CODE, 1931 PA 328, MCL 750.224F.

11           (D) THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY AND A  
12 FELONY CHARGE AGAINST THE APPLICANT IS NOT PENDING AT THE TIME HE  
13 OR SHE APPLIES FOR A LICENSE.

14           (E) THE APPLICANT HAS NOT BEEN ACQUITTED OF ANY CRIME ON  
15 GROUNDS OF INSANITY.

16           (F) THE APPLICANT IS NOT UNDER AN ORDER OF INVOLUNTARY COM-  
17 MITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL  
18 ILLNESS.

19           (G) THE APPLICANT IS NOT UNDER A COURT ORDER OF LEGAL INCA-  
20 PACITY IN THIS STATE OR ELSEWHERE.

21           (H) THE APPLICANT DEMONSTRATES KNOWLEDGE OR TRAINING IN THE  
22 SAFE USE AND HANDLING OF A PISTOL BY 1 OF THE FOLLOWING:

23           (i) SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE  
24 OR CLASS PRESENTED BY THE NATIONAL RIFLE ASSOCIATION.

25           (ii) SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING  
26 COURSE OR CLASS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY  
27 A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE,

1 OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS  
2 TRAINING SCHOOL, AND USING INSTRUCTORS CERTIFIED BY THE NATIONAL  
3 RIFLE ASSOCIATION OR BY THIS STATE.

4 (iii) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT PISTOL  
5 SAFETY TRAINING COURSE OR CLASS OFFERED FOR SECURITY GUARDS,  
6 INVESTIGATORS, SPECIAL DEPUTIES, OR LAW ENFORCEMENT OFFICERS.

7 (iv) SUCCESSFUL COMPLETION OF A MILITARY PISTOL TRAINING  
8 COURSE CONDUCTED BY A BRANCH OF THE UNITED STATES ARMED FORCES.

9 (7) BEFORE SUBMITTING AN APPLICATION UNDER THIS SECTION, THE  
10 INDIVIDUAL SHALL HAVE 2 SETS OF FINGERPRINTS TAKEN BY 1 OF THE  
11 FOLLOWING:

12 (A) IF THE INDIVIDUAL LIVES IN A LOCAL UNIT OF GOVERNMENT  
13 THAT HAS A POLICE DEPARTMENT, BY THAT POLICE DEPARTMENT.

14 (B) IF THE INDIVIDUAL LIVES IN A LOCAL UNIT OF GOVERNMENT  
15 THAT DOES NOT HAVE A POLICE DEPARTMENT, BY THE COUNTY SHERIFF.

16 (8) WITHIN 5 DAYS AFTER THE INDIVIDUAL REQUESTS HIS OR HER  
17 FINGERPRINTS TO BE TAKEN UNDER SUBSECTION (7), A POLICE DEPART-  
18 MENT OR SHERIFF SHALL TAKE THE FINGERPRINTS OF THAT INDIVIDUAL  
19 AND FORWARD THEM AS PROVIDED IN SUBSECTION (9). A FEE MAY BE  
20 CHARGED AS PROVIDED IN SECTION 3 OF 1935 PA 120, MCL 28.273.

21 (9) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (7) SHALL  
22 BE TAKEN ON A FORM FURNISHED BY OR IN A MANNER PRESCRIBED BY THE  
23 DEPARTMENT OF STATE POLICE AND PROVIDED TO THE APPLICANT UNDER  
24 SECTION 5C. THAT SET OF FINGERPRINTS SHALL BE FORWARDED BY THE  
25 ENTITY TAKING THE FINGERPRINTS TO THE DEPARTMENT OF STATE  
26 POLICE. THE DEPARTMENT OF STATE POLICE SHALL COMPARE THAT SET OF  
27 FINGERPRINTS WITH FINGERPRINTS ALREADY ON FILE WITH THE

1 DEPARTMENT OF STATE POLICE. THE OTHER SET OF FINGERPRINTS TAKEN  
2 UNDER SUBSECTION (7) SHALL BE TAKEN ON A FORM FURNISHED BY OR IN  
3 A MANNER PRESCRIBED BY THE FEDERAL BUREAU OF INVESTIGATION AND  
4 PROVIDED TO THE APPLICANT UNDER SECTION 5C. THAT SET OF FINGER-  
5 PRINTS SHALL BE FORWARDED BY THE ENTITY TAKING THE FINGERPRINTS  
6 TO THE FEDERAL BUREAU OF INVESTIGATION IN A MANNER PRESCRIBED BY  
7 THE FEDERAL BUREAU OF INVESTIGATION. THE REQUEST SHALL STATE  
8 THAT THE DEPARTMENT OF STATE POLICE IS TO BE PROVIDED WITH THE  
9 REPORT OF THE COMPARISON. UPON RECEIPT OF THE REPORT, THE  
10 DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY OF BOTH COMPARI-  
11 SONS TO THE DEPARTMENT. THE DEPARTMENT OF STATE POLICE SHALL  
12 DESTROY THE FINGERPRINTS WHEN THE DEPARTMENT OF STATE POLICE PRO-  
13 VIDES THE COMPARISON REPORT TO THE DEPARTMENT. IF THE FEDERAL  
14 BUREAU OF INVESTIGATION DOES NOT RETURN THE FINGERPRINTS TO THE  
15 DEPARTMENT OF STATE POLICE WITHIN THE 30-DAY PERIOD, THE DEPART-  
16 MENT OF STATE POLICE SHALL SEARCH ANY AVAILABLE RECORD THROUGH  
17 THE LAW ENFORCEMENT INFORMATION NETWORK AND INFORM THE DEPARTMENT  
18 OF THE RESULTS. IF THE DEPARTMENT DOES NOT RECEIVE A FINGERPRINT  
19 REPORT UNDER THIS SUBSECTION WITHIN 30 DAYS AFTER THE FINGER-  
20 PRINTS ARE SUBMITTED FOR THAT REPORT AND IF THE APPLICANT IS OTH-  
21 ERWISE QUALIFIED, THE DEPARTMENT SHALL ISSUE THE LICENSE AFTER  
22 RECEIVING THE REPORT FROM THE DEPARTMENT OF STATE POLICE OF THE  
23 SEARCH OF RECORDS THROUGH THE LAW ENFORCEMENT INFORMATION  
24 NETWORK.

25 (10) THE DEPARTMENT MAY INVESTIGATE AN APPLICANT UNDER THIS  
26 ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE INVESTIGATION  
27 SHALL BE RESTRICTED TO DETERMINING ONLY WHETHER THE RESIDENT IS

1 ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED  
2 PISTOL.

3 (11) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED  
4 BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATE-  
5 MENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

6 (12) THE DEPARTMENT SHALL ISSUE OR DENY ISSUANCE OF A  
7 LICENSE WITHIN 15 DAYS AFTER THE DEPARTMENT RECEIVES THE FINGER-  
8 PRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (9) OR WITHIN  
9 45 DAYS AFTER THE APPLICATION FOR A LICENSE IS SUBMITTED TO THE  
10 DEPARTMENT, WHICHEVER OCCURS FIRST. IF THE DEPARTMENT DENIES  
11 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, THE DEPARTMENT  
12 SHALL IMMEDIATELY DO BOTH OF THE FOLLOWING:

13 (A) NOTIFY THE APPLICANT IN WRITING OF THE DENIAL.  
14 INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE A STATEMENT OF  
15 FACTS SUPPORTING THE DENIAL AND A COPY OF ANY RECORD UPON WHICH  
16 THE DENIAL WAS BASED.

17 (B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO  
18 PETITION THE DISTRICT COURT UNDER SECTION 5E FOR REVIEW OF THE  
19 DENIAL.

20 (13) AS USED IN THIS SECTION:

21 (A) "CONFINED" INCLUDES, BUT IS NOT LIMITED TO, DETENTION IN  
22 A JUVENILE FACILITY.

23 (B) "CONVICTED OF" MEANS A FINAL CONVICTION, THE PAYMENT OF  
24 A FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE  
25 COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION.

1 (C) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF  
2 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
3 761.1.

4 SEC. 5C. (1) A POLICE DEPARTMENT OF A LOCAL UNIT OF GOVERN-  
5 MENT OF THIS STATE, COUNTY SHERIFFS, COUNTY CLERKS, AND THE  
6 DEPARTMENT SHALL PROVIDE CONCEALED WEAPON APPLICATION KITS DURING  
7 NORMAL BUSINESS HOURS TO INDIVIDUALS WHO WISH TO APPLY FOR  
8 LICENSES TO CARRY CONCEALED PISTOLS. EACH KIT SHALL CONTAIN ALL  
9 OF THE FOLLOWING:

10 (A) A CONCEALED PISTOL LICENSE APPLICATION FORM PROVIDED BY  
11 THE DEPARTMENT.

12 (B) THE FINGERPRINT CARDS PRESCRIBED BY THIS ACT.

13 (C) WRITTEN INFORMATION REGARDING THE PROCEDURES INVOLVED IN  
14 OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING INFOR-  
15 MATION REGARDING THE RIGHT TO APPEAL THE DENIAL OF A LICENSE AND  
16 THE FORM REQUIRED FOR THAT APPEAL.

17 (D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE  
18 TRAINING REQUIRED UNDER THIS ACT.

19 (2) A POLICE DEPARTMENT OR COUNTY SHERIFF SHALL NOT DENY AN  
20 INDIVIDUAL AT LEAST 1 CONCEALED PISTOL APPLICATION KIT UNDER THIS  
21 SECTION.

22 SEC. 5D. (1) A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE  
23 IN A FORM PRESCRIBED BY THE DEPARTMENT. THE LICENSE SHALL CON-  
24 TAIN ALL OF THE FOLLOWING:

25 (A) THE LICENSEE'S FULL NAME AND STREET ADDRESS.

26 (B) A REGISTRATION NUMBER UNIQUE TO THAT LICENSE.

1 (C) A PHYSICAL DESCRIPTION OF THE LICENSEE.

2 (D) A PHOTOGRAPH OF THE LICENSEE.

3 (E) A STATEMENT OF THE EFFECTIVE DATES OF THE LICENSE.

4 (F) A STATEMENT THAT THE LICENSE AUTHORIZES THE LICENSEE TO  
5 CARRY A CONCEALED PISTOL BUT DOES NOT AUTHORIZE THE LICENSEE TO  
6 DISCHARGE OR OTHERWISE USE THE PISTOL IN VIOLATION OF ANY LAW,  
7 AND THAT IMPROPER DISCHARGE OR USE OF THE PISTOL MAY RESULT IN  
8 CRIMINAL AND CIVIL LIABILITY.

9 (2) A LICENSE ISSUED UNDER THIS ACT TO CARRY A CONCEALED  
10 PISTOL IS VALID THROUGHOUT THIS STATE AND IS INTENDED FOR USE IN  
11 OTHER STATES THAT RECOGNIZE A LICENSE TO CARRY A CONCEALED PISTOL  
12 ISSUED BY ANOTHER STATE.

13 (3) UPON ISSUANCE OF A CONCEALED PISTOL LICENSE TO A PERSON,  
14 THE DEPARTMENT SHALL NOTIFY THE SHERIFF OF THE COUNTY WHERE THAT  
15 PERSON RESIDES.

16 SEC. 5E. (1) A PERSON WHOSE APPLICATION FOR A LICENSE TO  
17 CARRY A CONCEALED PISTOL UNDER THIS ACT IS DENIED MAY APPEAL THE  
18 DENIAL TO THE DISTRICT COURT IN THE JUDICIAL DISTRICT WHERE THE  
19 APPLICANT RESIDES.

20 (2) THE COURT SHALL AWARD COSTS AND ACTUAL ATTORNEY FEES TO  
21 THE PREVAILING PARTY IN AN APPEAL UNDER THIS SECTION.

22 SEC. 5F. (1) THE DEPARTMENT SHALL CREATE AND MAINTAIN A  
23 COMPUTERIZED DATABASE OF INDIVIDUALS WHO APPLY UNDER THIS ACT FOR  
24 A LICENSE TO CARRY A CONCEALED PISTOL. THE DATABASE SHALL CON-  
25 TAIN ONLY THE FOLLOWING INFORMATION AS TO EACH APPLICANT:

26 (A) THE APPLICANT'S NAME, ADDRESS, AND COUNTY OF RESIDENCE.

1 (B) IF THE APPLICANT IS LICENSED TO CARRY A CONCEALED PISTOL  
2 IN THIS STATE, THE LICENSE NUMBER AND DATE OF EXPIRATION.

3 (C) SUBJECT TO SUBSECTION (2), IF THE APPLICANT WAS DENIED A  
4 LICENSE TO CARRY A CONCEALED PISTOL, A STATEMENT OF THE REASONS  
5 FOR THAT DENIAL.

6 (2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A  
7 CONCEALED PISTOL IS SUBSEQUENTLY ISSUED A LICENSE TO CARRY A CON-  
8 CEALED PISTOL, THE DEPARTMENT SHALL DELETE FROM THE COMPUTERIZED  
9 DATABASE THE PREVIOUS REASONS FOR THE DENIAL.

10 (3) THE DEPARTMENT SHALL MAKE THE INFORMATION DESCRIBED IN  
11 SUBSECTION (1)(A) AND (B) AVAILABLE THROUGH THE LAW ENFORCEMENT  
12 INFORMATION NETWORK.

13 (4) INFORMATION IN THE DATABASE IS CONFIDENTIAL AND SHALL  
14 NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR  
15 TO A POLICE AGENCY THROUGH THE LAW ENFORCEMENT INFORMATION NET-  
16 WORK TO VERIFY WHETHER AN INDIVIDUAL IS LICENSED TO CARRY A CON-  
17 CEALED PISTOL.

18 (5) THE DEPARTMENT SHALL FILE AN ANNUAL REPORT WITH THE SEC-  
19 RETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTA-  
20 TIVES SETTING FORTH ALL OF THE FOLLOWING INFORMATION:

21 (A) THE NUMBER OF CONCEALED PISTOL APPLICATIONS RECEIVED.

22 (B) THE NUMBER OF CONCEALED PISTOL LICENSES ISSUED.

23 (C) THE NUMBER OF CONCEALED PISTOL LICENSES DENIED.

24 (D) CATEGORIES FOR DENIAL UNDER SUBDIVISION (C).

25 (E) THE NUMBER OF CONCEALED PISTOL LICENSES REVOKED.

26 (F) CATEGORIES FOR REVOCATION UNDER SUBDIVISION (E).

1 (G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE  
2 REPORT IS MADE.

3 SEC. 5G. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT  
4 TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO  
5 CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE  
6 IS CARRYING A CONCEALED PISTOL.

7 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A  
8 CONCEALED PISTOL SHALL SHOW THAT LICENSE TO A PEACE OFFICER UPON  
9 REQUEST BY THAT PEACE OFFICER.

10 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE  
11 FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN  
12 \$100.00.

13 SEC. 5H. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CON-  
14 CEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
15 ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT  
16 LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY  
17 TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE TER-  
18 MINATED, WHICHEVER OCCURS FIRST.

19 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A  
20 CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
21 ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPI-  
22 RATION OF THAT LICENSE AS PROVIDED IN SECTION 5K.

23 SEC. 5I. AN OWNER OF PRIVATE REAL PROPERTY MAY POST A SIGN  
24 ON THAT REAL PROPERTY STATING THAT THE CARRYING OF CONCEALED PIS-  
25 TOLS ON THAT REAL PROPERTY IS PROHIBITED.

26 SEC. 5J. A PISTOL TRAINING OR SAFETY PROGRAM DESCRIBED IN  
27 SECTION 5B(6)(H) MEETS THE REQUIREMENTS OF KNOWLEDGE OR TRAINING

1 IN THE SAFE USE AND HANDLING OF A PISTOL ONLY IF ALL OF THE  
2 FOLLOWING CONDITIONS ARE MET:

3 (A) THE COURSE PROVIDES INSTRUCTION IN THE SAFE USE AND HAN-  
4 DLING OF A PISTOL, THE LAW OF SELF-DEFENSE, AND CIVIL AND CRIMI-  
5 NAL LIABILITY FOR IMPROPER USE OF A PISTOL AND INCLUDES FIRING  
6 RANGE TIME.

7 (B) THE PROGRAM PROVIDES A CERTIFICATE OF COMPLETION.

8 SEC. 5K. A LICENSE TO CARRY A CONCEALED PISTOL IS VALID FOR  
9 5 YEARS, AND MAY BE RENEWED IN THE SAME MANNER AS THE ORIGINAL  
10 LICENSE WAS RECEIVED, EXCEPT AS FOLLOWS:

11 (A) THE RENEWAL FEE IS \$20.00. THE FEE IS PAYABLE TO THE  
12 DEPARTMENT. AN INDIVIDUAL WHO IS A RETIRED POLICE OFFICER OF A  
13 POLICE AGENCY OF THIS STATE OR OF A POLITICAL SUBDIVISION OF THIS  
14 STATE WHO PRESENTS EVIDENCE SATISFACTORY TO THE DEPARTMENT OF HIS  
15 OR HER STATUS AS A RETIRED POLICE OFFICER OF THIS STATE OR A  
16 POLITICAL SUBDIVISION OF THIS STATE IS NOT REQUIRED TO PAY A  
17 RENEWAL FEE UNDER THIS SECTION.

18 (B) FINGERPRINTS ARE NOT REQUIRED FOR A RENEWAL.

19 SEC. 5L. (1) THE STATE OR A LOCAL UNIT OF GOVERNMENT SHALL  
20 NOT PROHIBIT AN EMPLOYEE OF THAT ENTITY FROM DOING EITHER OF THE  
21 FOLLOWING:

22 (A) APPLYING FOR AND RECEIVING A LICENSE TO CARRY A CON-  
23 CEALED PISTOL AS PROVIDED IN THIS ACT.

24 (B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE  
25 ISSUED UNDER THIS ACT.

26 (2) THE STATE OR A LOCAL UNIT OF GOVERNMENT SHALL NOT  
27 DISCIPLINE OR OTHERWISE RETALIATE AGAINST AN EMPLOYEE OF THAT

1 ENTITY FOR PROVIDING INFORMATION, INCLUDING BUT NOT LIMITED TO  
 2 ORAL TESTIMONY, REGARDING THE PROPRIETY OF ISSUING A LICENSE TO  
 3 AN INDIVIDUAL TO CARRY A CONCEALED PISTOL.

4 (3) AS USED IN THIS SECTION, "LOCAL UNIT OF GOVERNMENT"  
 5 MEANS A CITY, VILLAGE, TOWNSHIP, COUNTY, OR A COMMUNITY COLLEGE,  
 6 COLLEGE, OR UNIVERSITY.

7 SEC. 5M. AN EMPLOYER SHALL NOT PROHIBIT AN EMPLOYEE FROM  
 8 DOING EITHER OF THE FOLLOWING:

9 (A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED  
 10 PISTOL UNDER THIS ACT.

11 (B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE  
 12 ISSUED UNDER THIS ACT. THIS SUBDIVISION DOES NOT PROHIBIT AN  
 13 EMPLOYER FROM PROHIBITING AN EMPLOYEE FROM CARRYING A CONCEALED  
 14 PISTOL IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THAT EMPLOYER.

15 Sec. 6a. (1) ~~A concealed weapons licensing board~~ THE  
 16 DEPARTMENT may issue to any ~~bank, trust company, armored car~~  
 17 ~~company, railway company, express company, or other company,~~  
 18 ~~institution, copartnership,~~ PERSON or individual ~~having in its,~~  
 19 ~~their, or the individual's possession~~ POSSESSING A large ~~sums~~  
 20 SUM of money or other valuables ~~,~~ a license authorizing the  
 21 licensee to equip the premises or vehicles under ~~its, their, or~~  
 22 ~~the individual's~~ THE LICENSEE'S control with gas ejecting  
 23 devices to be used solely for the purpose of protecting those  
 24 premises or vehicles and the persons or property in the premises  
 25 or vehicles from criminal assaults.

26 (2) The ~~director of the~~ department ~~of state police~~ shall  
 27 promulgate rules to govern ~~the~~ issuing ~~of the~~ A license and

1 ~~the~~ making ~~of~~ an application for ~~the~~ A license. The rules  
2 shall be promulgated ~~pursuant to~~ IN COMPLIANCE WITH the admin-  
3 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~  
4 ~~of 1969, as amended, being sections 24.201 to 24.328 of the~~  
5 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328. The  
6 ~~concealed weapons licensing board~~ DEPARTMENT may issue ~~to any~~  
7 ~~company, copartnership, or individual under the limitations and~~  
8 ~~pursuant to the rules promulgated by the director of the depart-~~  
9 ~~ment of state police~~ a license TO A PERSON authorizing the  
10 ~~corporation, copartnership, or individual~~ PERSON to manufacture  
11 or sell, or both, a gas ejecting or GAS emitting weapon, cart-  
12 ridge, or device to any person authorized by law to possess the  
13 weapon, cartridge, or device. RULES PROMULGATED BY THE DEPART-  
14 MENT OF STATE POLICE UNDER THIS SECTION BEFORE THE EFFECTIVE DATE  
15 OF THE AMENDATORY ACT THAT AMENDED THIS SECTION REMAIN IN EFFECT  
16 UNTIL RESCINDED BY THE DEPARTMENT.

17 (3) For purposes of this section, "gas ejecting device"  
18 means a device designed for the purpose of rendering a person  
19 either temporarily or permanently disabled by the ejection,  
20 release, or emission of a gas or other substance.

21 (4) A license ~~shall~~ IS not ~~be~~ required under this sec-  
22 tion ~~for the sale~~ TO SELL, purchase, or ~~possession of~~ POSSESS  
23 a self-defense spray device, as defined in section 224d of the  
24 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
25 ~~being section 750.224d of the Michigan Compiled Laws~~ 1931 PA  
26 328, MCL 750.224D.

1        Sec. 8. The ~~licensing board herein created by section 6~~  
2 DEPARTMENT, AFTER ISSUING A CONCEALED PISTOL LICENSE, may revoke  
3 ~~any~~ THAT license ~~issued by it upon receiving a certificate of~~  
4 ~~any magistrate showing that such licensee has been convicted of~~  
5 ~~violating any of the provisions of this act, or has been con-~~  
6 ~~victed of a felony. Such license may also be revoked whenever in~~  
7 ~~the judgment of said board the reason for granting such license~~  
8 ~~shall have ceased to exist, or whenever said board shall for any~~  
9 ~~reasonable cause determine said licensee to be an unfit person to~~  
10 ~~carry a pistol concealed upon his person. No such~~ IF THE  
11 DEPARTMENT DETERMINES THAT THE INDIVIDUAL COMMITTED ANY VIOLATION  
12 OF THIS ACT OTHER THAN A VIOLATION OF SECTION 5G OR IF THE  
13 DEPARTMENT DETERMINES THAT THE INDIVIDUAL IS NOT ELIGIBLE UNDER  
14 THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. A  
15 license shall NOT be revoked UNDER THIS SECTION except upon writ-  
16 ten complaint and ~~then only after~~ AN OPPORTUNITY FOR a hearing  
17 ~~by said board, of which~~ BEFORE THE DEPARTMENT. THE DEPARTMENT  
18 SHALL GIVE THE INDIVIDUAL at least ~~7~~ 10 days' notice ~~shall be~~  
19 ~~given to the licensee either~~ OF A HEARING UNDER THIS SECTION.  
20 THE NOTICE SHALL BE by personal service or by ~~registered~~  
21 CERTIFIED mail DELIVERED to ~~his~~ THE INDIVIDUAL'S last known  
22 address. The ~~clerk of said licensing board~~ DEPARTMENT is  
23 ~~hereby~~ authorized to administer an oath to any ~~person~~  
24 INDIVIDUAL testifying before ~~such~~ THE board at ~~any such~~ A  
25 hearing UNDER THIS SECTION.

26        Sec. 9d. A firearm that is possessed in violation of this  
27 act is subject to forfeiture IF THE VIOLATION IS A FELONY.

1           Sec. 10. (1) A person who owns a firearm shall, within 5  
2 days after he or she knows his or her firearm is stolen, report  
3 the theft to a police agency having jurisdiction over that  
4 theft.

5           (2) A person who fails to report the theft of a firearm as  
6 required under subsection (1) is responsible for a civil viola-  
7 tion and may be fined not more than \$500.00.

8           (3) A LAW ENFORCEMENT AGENCY THAT RECOVERS A STOLEN FIREARM  
9 SHALL NOTIFY THE OWNER, IF KNOWN, WITHIN 90 DAYS AFTER THE STOLEN  
10 FIREARM IS RECOVERED.

11          Sec. 12. Sections 2 and 9 do not apply to ~~a duly~~  
12 ~~authorized~~ ANY OF THE FOLLOWING:

13          (A) A police or correctional agency of the United States or  
14 of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF  
15 THIS STATE.

16          (B) THE UNITED STATES army, air force, navy, or marine  
17 corps. ~~of the United States, nor to organizations~~

18          (C) AN ORGANIZATION authorized by law to purchase or receive  
19 weapons from the United States or from this state. ~~, nor to the~~

20          (D) THE national guard, armed forces reserves, or other duly  
21 authorized military ~~organizations, or to members of the above~~  
22 ~~agencies or organizations for weapons used for the purposes of or~~  
23 ~~incidental to such agencies or organizations, nor to a person~~  
24 ORGANIZATION.

25          (E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN  
26 SUBDIVISIONS (A) TO (D) FOR A PISTOL USED IN THE COURSE OF HIS OR  
27 HER DUTIES WITH THAT ENTITY.

1 (F) A NONRESIDENT holding a license to carry a pistol  
2 concealed upon his OR HER person issued by another state. ~~nor~~  
3 ~~to the~~

4 (G) THE regular and ordinary transportation of ~~pistols~~ A  
5 PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A  
6 person licensed to manufacture firearms OR A LICENSED DEALER.

7 Sec. 12a. Section ~~6~~ 5B does not apply to:

8 (a) A peace officer of a duly authorized police agency of  
9 the United States or of this state or a political subdivision of  
10 this state, who is regularly employed and paid by the United  
11 States or this state or a subdivision of this state, except that  
12 section ~~6~~ 5B does apply to a township constable.

13 (b) A constable who is trained and certified pursuant to  
14 ~~Act No. 203 of the Public Acts of 1965, as amended, being sec-~~  
15 ~~tions 28.601 to 28.616 of the Michigan Compiled Laws~~ THE COMMIS-  
16 SION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO  
17 28.616, who is engaged in his or her official duties or going to  
18 or coming from his or her official duties, and who is regularly  
19 employed and paid by a political subdivision of this state.

20 (c) A person regularly employed by the department of correc-  
21 tions and authorized in writing by the director of the department  
22 of corrections to carry a concealed weapon concealed during the  
23 performance of his or her duties or while going to or returning  
24 from his or her duties.

25 (d) A member of the UNITED STATES army, air force, navy, or  
26 marine corps ~~of the United States~~ while carrying a weapon in  
27 line of duty.

1 (e) A member of the national guard, armed forces reserves,  
2 or other ~~duly~~ authorized military organization while on duty or  
3 drill or while going to or returning from his or her place of  
4 ~~assembly~~ DUTY or ~~practice~~ DRILL or while carrying a weapon  
5 used for purposes of a military organization.

6 (f) A person licensed BY ANOTHER STATE to carry a pistol  
7 concealed upon his or her person. ~~issued by another state.~~

8 (g) The regular and ordinary transportation of a pistol as  
9 merchandise by an authorized agent of a person licensed to manu-  
10 facture firearms.

11 (h) A person while carrying a pistol unloaded in a wrapper  
12 or container in the trunk of his or her vehicle from the place of  
13 purchase to his or her home or place of business or to a place of  
14 repair or back to his or her home or place of business, or in  
15 moving goods from 1 place of abode or business to another place  
16 of abode or business.

17 Sec. 12c. A licensing fee for the renewal of a license  
18 issued ~~pursuant to~~ UNDER section ~~6~~ 5B shall not be required  
19 of an applicant who is a retired peace officer of a duly autho-  
20 rized police agency of this state or a political subdivision of  
21 this state. When applying for the renewal of a license under  
22 section ~~6~~ 5B, a retired peace officer shall submit evidence of  
23 his or her retirement considered sufficient by the ~~concealed~~  
24 ~~weapons licensing board~~ DEPARTMENT to have the fee waived  
25 ~~pursuant to~~ UNDER this section.

26 Sec. 14. ~~All~~ SUBJECT TO SECTION 9D, ALL pistols, weapons,  
27 or devices carried or possessed contrary to this act are ~~hereby~~

1 declared forfeited to the state, and shall be turned over to the  
2 ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF state  
3 police or his OR HER designated representative, for ~~such~~  
4 ~~disposition~~ DISPOSAL as ~~said commissioner may prescribe~~ HE OR  
5 SHE PRESCRIBES.

6 Enacting section 1. Sections 3, 4, 6, and 7 of 1927 PA 372,  
7 MCL 28.423, 28.424, 28.426, and 28.427, are repealed.

8 Enacting section 2. This amendatory act takes effect  
9 January 1, 2000.