

**SUBSTITUTE FOR
HOUSE BILL NO. 6337**

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 or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 5b, 5c, 5d, 5f, 5j, 5l, and 5o (MCL 28.425b, 28.425c, 28.425d, 28.425f, 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5b. (1) To obtain a license to carry a concealed
- 2 pistol, an individual shall apply to the concealed weapon
- 3 licensing board in the county in which that individual resides.

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1 ~~for a license to carry a concealed pistol.~~ The application
2 shall be filed with the county clerk ~~as clerk of the concealed~~
3 ~~weapon licensing board~~ during the county clerk's normal business
4 hours. The application shall be on a form provided by the direc-
5 tor of the department of state police and shall allow the appli-
6 cant to designate whether the applicant seeks a temporary
7 license. The application shall be signed under oath by the
8 applicant. The oath shall be administered by the county clerk or
9 his or her representative. The application shall contain all of
10 the following information:

11 (a) The applicant's legal name ~~,~~ AND date of birth ~~,~~ and
12 the address of his or her primary residence. If the applicant
13 resides in a city, village, or township that has a police depart-
14 ment, the ~~information provided under this subdivision shall~~
15 ~~include a statement that the city, village, or township has a~~
16 NAME OF THE police department.

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

20 (c) A statement by the applicant ~~providing authority to~~
21 AUTHORIZING the concealed weapon licensing board to access any
22 record, INCLUDING ANY MEDICAL RECORD, pertaining to the
23 APPLICANT'S qualifications ~~of an applicant~~ for a license to
24 carry a concealed pistol under this act. THE APPLICANT MAY
25 REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENS-
26 ING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED
27 SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED,

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1 THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY
2 FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER
3 REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED
4 SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING
5 BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL, IS NOT SUBJECT TO
6 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
7 MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON
8 EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES.

9 (d) A statement by the applicant regarding whether he or she
10 has a history of mental illness that would disqualify him or her
11 under subsection ~~(7)(j)~~ (7)(I) to (I) from receiving a license
12 to carry a concealed pistol, and ~~granting authority to~~
13 AUTHORIZING the concealed weapon licensing board to access the
14 mental health records of the applicant relating to his or her
15 mental health history. The applicant may request that informa-
16 tion received by the concealed weapon licensing board under this
17 subdivision be reviewed in a closed session. If the applicant
18 requests that the session be closed, the concealed weapon licens-
19 ing board shall close the session only for purposes of this
20 subdivision. The applicant and his or her representative have
21 the right to be present in the closed session. Information
22 received by the concealed weapon licensing board under this sub-
23 division is confidential, IS NOT SUBJECT TO DISCLOSURE UNDER THE
24 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
25 and shall not be disclosed to any person except for purposes of
26 this act OR FOR LAW ENFORCEMENT PURPOSES.

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1 (e) A statement by the applicant regarding whether he or she
2 has ever been convicted in this state or elsewhere for any felony
3 or misdemeanor.

4 (f) A statement by the applicant whether he or she ~~is~~ HAS
5 BEEN dishonorably discharged from the United States armed
6 forces.

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

9 ~~A statement setting forth the~~ THE names, residential
10 addresses, and telephone numbers of 2 individuals who are refer-
11 ences for the applicant.

12 (i) A passport-quality photograph of the applicant provided
13 by the applicant AT THE TIME OF APPLICATION.

14 (J) A CERTIFICATE STATING THAT THE APPLICANT HAS COMPLETED
15 THE TRAINING COURSE PRESCRIBED BY THIS ACT.

16 (2) The application form shall contain a conspicuous warning
17 that the application is executed under oath and that intention-
18 ally making a material false statement on the application is a
19 felony punishable by imprisonment for not more than 4 years or a
20 fine of not more 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 shall retain a copy
26 of each application for a license to carry a concealed pistol as
27 an official record. ONE YEAR AFTER THE EXPIRATION OF A CONCEALED

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1 PISTOL LICENSE, THE COUNTY CLERK MAY DESTROY THE RECORD AND
2 MAINTAIN ONLY A NAME INDEX OF THE RECORD.

3 (5) Each applicant shall pay a fee of ~~-\$55.00-~~ \$105.00 by
4 any method of payment accepted by that county for payments of
5 other fees and penalties. ~~, plus an additional assessment of~~
6 ~~\$5.00 for deposit in the concealed weapon enforcement fund under~~
7 ~~section 5v at the time of filing an application under this~~
8 ~~section.~~ A unit of local government, an agency of a unit of
9 local government, or an agency or department of this state shall
10 not charge an additional fee, assessment, or other amount in con-
11 nection with a license under this section. ~~, other than the fin-~~
12 ~~gerprint fee provided for in this act.~~ The fee ~~and assessment~~
13 shall be payable to the county. The county treasurer shall
14 deposit ~~-\$10.00-~~ \$41.00 of each fee collected under this section
15 in the general fund of the county ~~to the credit of the county~~
16 ~~clerk~~ AND CREDIT \$26.00 OF THAT DEPOSIT TO THE CREDIT OF THE
17 COUNTY CLERK AND \$15.00 OF THAT DEPOSIT TO THE CREDIT OF THE
18 COUNTY SHERIFF and forward the balance to the state treasurer.
19 The state treasurer shall deposit the balance of the fee in the
20 general fund to the credit of the department of state police.
21 ~~The state treasurer shall deposit the assessment in the con-~~
22 ~~cealed weapon enforcement fund created in section 5v.~~ Each
23 county shall report to the senate and house fiscal agencies by
24 October 1 of each year its costs per applicant to implement this
25 section. THE DEPARTMENT OF STATE POLICE SHALL USE THE MONEY
26 RECEIVED UNDER THIS ACT TO PROCESS THE FINGERPRINTS AND TO
27 REIMBURSE THE FEDERAL BUREAU OF INVESTIGATION FOR THE COSTS

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1 ASSOCIATED WITH PROCESSING FINGERPRINTS SUBMITTED UNDER THIS
2 ACT. THE BALANCE OF THE MONEY RECEIVED UNDER THIS ACT SHALL BE
3 CREDITED TO THE DEPARTMENT OF STATE POLICE.

4 (6) The county sheriff on behalf of the concealed weapon
5 licensing board shall verify the requirements of subsection
6 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the
7 law enforcement information network and report his or her finding
8 to the concealed weapon licensing board. If the applicant
9 resides in a city, village, or township that has a police depart-
10 ment, the concealed weapon licensing board shall contact that
11 city, village, or township police department to determine only
12 whether that city, village, or township police department has any
13 information relevant to the investigation of whether the appli-
14 cant is eligible under this act to receive a license to carry a
15 concealed pistol.

16 (7) The concealed weapon licensing board shall issue a
17 license to an applicant to carry a concealed pistol within the
18 period required under this act after the applicant properly sub-
19 mits an application under subsection (1) and the concealed weapon
20 licensing board determines that all of the following circum-
21 stances exist:

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

23 (b) The applicant is a citizen of the United States or is a
24 resident legal alien as defined in section 11 of title 18 of the
25 United States Code, is a resident of this state, and has resided
26 in this state for at least 6 months. The concealed weapon
27 licensing board may waive the 6-month residency requirement for a

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1 temporary license under section 5a(8) if the concealed weapon
2 licensing board determines there is probable cause to believe the
3 safety of the applicant or the safety of a member of the
4 applicant's family is endangered by the applicant's inability to
5 immediately obtain a license to carry a concealed pistol.

6 (c) The applicant has knowledge and has had training in the
7 safe use and handling of a pistol by the successful completion of
8 a pistol safety training course or class that meets the require-
9 ments of section 5j, and that is available to the general public
10 and presented by a law enforcement agency, junior or community
11 college, college, or public or private institution or organiza-
12 tion or firearms training school.

13 (d) The applicant is not the subject of an order or disposi-
14 tion under any of the following:

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

17 (ii) Former section 444a of the revised probate code, 1978
18 PA 642, MCL 700.444a, or section 5107 of the estates and pro-
19 tected individuals code, 1998 PA 386, MCL 700.5107.

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

22 (iv) Section 6b of chapter V of the code of criminal proce-
23 dure, 1927 PA 175, MCL 765.6b, if the order has a condition
24 imposed pursuant to section 6b(3) of chapter V of the code of
25 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

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

9 (g) The applicant ~~is~~ HAS not BEEN dishonorably discharged
10 from the United States armed forces.

11 (h) The applicant has not been convicted of a misdemeanor
12 violation of any of the following in the 8 years immediately pre-
13 ceding the date of application:

14 (i) SECTION 617A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
15 MCL 257.617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL INJURY
16 ACCIDENT).

17 (ii) ~~(i)~~ Section 625(1) of the Michigan vehicle code, 1949
18 PA 300, MCL 257.625, punishable as provided in subsection (8)(b)
19 of that section (drunk driving, second offense).

20 (iii) ~~(ii)~~ Section 626 of the Michigan vehicle code, 1949
21 PA 300, MCL 257.626 (reckless driving).

22 (iv) ~~(iii)~~ Section 904(1) of the Michigan vehicle code,
23 1949 PA 300, MCL 257.904 (driving while license suspended or
24 revoked), punishable as a second or subsequent offense.

25 (v) ~~(iv)~~ Section 29 of THE WEIGHTS AND MEASURES ACT, 1964
26 PA 283, MCL 290.629 (hindering or obstructing weights and
27 measures enforcement officer).

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1 (vi) ~~(v)~~ Section 10 of the motor fuels quality act, 1984
2 PA 44, MCL 290.650 (hindering, obstructing, assaulting, or com-
3 mitting bodily injury upon director or authorized
4 representative).

5 (vii) SECTION 80176 OF THE NATURAL RESOURCES AND ENVIRONMEN-
6 TAL PROTECTION ACT, 1994 PA 451, MCL 324.80176 (OPERATING A
7 VESSEL UNDER THE INFLUENCE).

8 (viii) ~~(vi)~~ Section 7403 of the public health code, 1978
9 PA 368, MCL 333.7403.

10 (ix) ~~(vii)~~ Section 7 of 1978 PA 33, MCL 722.677
11 (displaying sexually explicit materials to minors).

12 (x) ~~(viii)~~ Section 81 of the Michigan penal code, 1931
13 PA 328, MCL 750.81 (assault or domestic assault).

14 (xi) ~~(ix)~~ Section 81a(1) or (2) of the Michigan penal
15 code, 1931 PA 328, MCL 750.81a (aggravated assault or aggravated
16 domestic assault).

17 (xii) SECTION 115 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.115 (ENTERING WITHOUT BREAKING).

19 (xiii) ~~(x)~~ Section ~~136b(5)~~ 136B(6) of the Michigan penal
20 code, 1931 PA 328, MCL 750.136b (fourth degree child abuse).

21 (xiv) ~~(xi)~~ Section 145a of the Michigan penal code, 1931
22 PA 328, MCL 750.145a (accosting, enticing, or soliciting a child
23 for immoral purposes).

24 (xv) ~~(xii)~~ Section 145n of the Michigan penal code, 1931
25 PA 328, MCL 750.145n (vulnerable adult abuse).

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1 (xvi) ~~(xiii)~~ Section 157b(3)(b) of the Michigan penal
2 code, 1931 PA 328, MCL 750.157b (solicitation to commit a
3 felony).

4 (xvii) ~~(xiv)~~ Section 215 of the Michigan penal code, 1931
5 PA 328, MCL 750.215 (impersonating sheriff, conservation officer,
6 coroner, constable, or police officer).

7 (xviii) ~~(xv)~~ Section 223 of the Michigan penal code, 1931
8 PA 328, MCL 750.223 (illegal sale of a firearm or ammunition).

9 (xix) ~~(xvi)~~ Section 224d of the Michigan penal code, 1931
10 PA 328, MCL 750.224d (illegal sale of a self-defense spray).

11 (xx) ~~(xvii)~~ Section 226a of the Michigan penal code, 1931
12 PA 328, MCL 750.226a (sale or possession of a switchblade).

13 (xxi) ~~(xviii)~~ Section 227c of the Michigan penal code,
14 1931 PA 328, MCL 750.227c (improper transportation of a
15 firearm).

16 (xxii) ~~(xix)~~ Section 228 of the Michigan penal code, 1931
17 PA 328, MCL 750.228 (failure to have a pistol inspected).

18 (xxiii) ~~(xx)~~ Section 229 of the Michigan penal code, 1931
19 PA 328, MCL 750.229 (accepting a pistol in pawn).

20 (xxiv) ~~(xxi)~~ Section 232 of the Michigan penal code, 1931
21 PA 328, MCL 750.232 (failure to register the purchase of a fire-
22 arm or a firearm component).

23 (xxv) ~~(xxii)~~ Section 232a of the Michigan penal code, 1931
24 PA 328, MCL 750.232a (improperly obtaining a pistol, making a
25 false statement on an application to purchase a pistol, or using
26 false identification to purchase a pistol).

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1 (xxvi) ~~(xxiii)~~ Section 233 of the Michigan penal code,
2 1931 PA 328, MCL 750.233 (intentionally aiming a firearm without
3 malice).

4 (xxvii) ~~(xxiv)~~ Section 234 of the Michigan penal code,
5 1931 PA 328, MCL 750.234 (intentionally discharging a firearm
6 aimed without malice).

7 (xxviii) ~~(xxv)~~ Section 234d of the Michigan penal code,
8 1931 PA 328, MCL 750.234d (possessing a firearm on prohibited
9 premises).

10 (xxix) ~~(xxvi)~~ Section 234e of the Michigan penal code,
11 1931 PA 328, MCL 750.234e (brandishing a firearm in public).

12 (xxx) ~~(xxvii)~~ Section 234f of the Michigan penal code,
13 1931 PA 328, MCL 750.234f (possession of a firearm by an individ-
14 ual less than 18 years of age).

15 (xxxi) ~~(xxviii)~~ Section 235 of the Michigan penal code,
16 1931 PA 328, MCL 750.235 (intentionally discharging a firearm
17 aimed without malice causing injury).

18 (xxxii) ~~(xxix)~~ Section 235a of the Michigan penal code,
19 1931 PA 328, MCL 750.235a (parent of a minor who possessed a
20 firearm in a weapon free school zone).

21 (xxxiii) ~~(xxx)~~ Section 236 of the Michigan penal code,
22 1931 PA 328, MCL 750.236 (setting a spring gun or other device).

23 (xxxiv) ~~(xxxi)~~ Section 237 of the Michigan penal code,
24 1931 PA 328, MCL 750.237 (possessing a firearm while under the
25 influence of intoxicating liquor or a drug).

26 (xxxv) ~~(xxxii)~~ Section 237a of the Michigan penal code,
27 1931 PA 328, MCL 750.237a (weapon free school zone violation).

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1 (*xxvi*) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931

2 PA 328, MCL 750.335A (INDECENT EXPOSURE).

3 (*xxvii*) ~~(*xxviii*)~~ Section 411h of the Michigan penal code,

4 1931 PA 328, MCL 750.411h (stalking).

5 (*xxviii*) ~~(*xxiv*)~~ Section 1 of 1952 PA 45, MCL 752.861

6 (reckless, careless, or negligent use of a firearm resulting in
7 injury or death).

8 (*xxix*) ~~(*xxv*)~~ Section 2 of 1952 PA 45, MCL 752.862

9 (careless, reckless, or negligent use of a firearm resulting in
10 property damage).

11 (*xl*) ~~(*xxvi*)~~ Section 3a of 1952 PA 45, MCL 752.863a

12 (reckless discharge of a firearm).

13 (*xli*) ~~(*xxvii*)~~ A violation of a law of the United States,

14 another state, or a local unit of government of this state or

15 another state substantially corresponding to a violation

16 described in subparagraphs (*i*) to ~~(*xxvi*)~~ (*xl*).

17 ~~(*i*) The applicant has not been convicted of any other mis-~~
18 ~~demeanor in this state or elsewhere, in the 3 years immediately~~
19 ~~preceding the date of application.~~

20 (I) THE APPLICANT HAS NOT BEEN CONVICTED OF A MISDEMEANOR

21 VIOLATION OF ANY OF THE FOLLOWING IN THE 3 YEARS IMMEDIATELY PRE-

22 CEDING THE DATE OF APPLICATION:

23 (*i*) SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

24 MCL 257.625 (OPERATING UNDER THE INFLUENCE).

25 (*ii*) SECTION 625A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

26 MCL 257.625A (REFUSAL OF COMMERCIAL VEHICLE DRIVER TO SUBMIT TO A
27 CHEMICAL TEST).

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1 (iii) SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949
2 PA 300, MCL 257.625K (NEGLIGENTLY FAILS TO COMPLY).

3 (iv) SECTION 625L OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
4 MCL 257.625L (CIRCUMVENTING AN IGNITION INTERLOCKING DEVICE).

5 (v) SECTION 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
6 MCL 257.625M (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL
7 CONTENT).

8 (vi) SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF
9 MICHIGAN, 1945 PA 327, MCL 259.185 (OPERATING AIRCRAFT UNDER THE
10 INFLUENCE).

11 (vii) SECTION 81134 OF THE NATURAL RESOURCES AND ENVIRONMEN-
12 TAL PROTECTION ACT, 1994 PA 451, MCL 324.81134 (OPERATING ORV
13 UNDER THE INFLUENCE).

14 (viii) SECTION 81135 OF THE NATURAL RESOURCES AND ENVIRON-
15 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81135 (OPERATING ORV
16 HAVING CONSUMED CONTROLLED SUBSTANCE).

17 (ix) SECTION 82128 OF THE NATURAL RESOURCES AND ENVIRONMEN-
18 TAL PROTECTION ACT, 1994 PA 451, MCL 324.82128 (VIOLATIONS OF
19 SECTION 82127 PENALTY).

20 (x) [PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401
21 TO 333.7461 (CONTROLLED SUBSTANCES).

22

23]

24 [(xi)] SECTION 174 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.174 (EMBEZZLEMENT).

26 [(xii)] SECTION 218 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.218 (FALSE PRETENSES).

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1 [(xiii)] SECTION 356 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.356 (LARCENY).

3 [(xiv)] SECTION 356D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
4 MCL 750.356D (RETAIL FRAUD).

5 [(xv)] SECTION 359 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.359 (LARCENY-VACANT BUILDING).

7 [(xvi)] SECTION 362 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
8 MCL 750.362 (LARCENY BY CONVERSION).

9 [(xvii)] SECTION 362A OF THE MICHIGAN PENAL CODE, 1931 PA
10 328, MCL 750.362A (DEFRAUDING LESSOR).

11 [(xviii)] SECTION 377A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.377A (MALICIOUS DESTRUCTION OF PROPERTY).

13 [(xix)] SECTION 380 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
14 MCL 750.380 (MALICIOUS DESTRUCTION OF REAL PROPERTY).

15 [(xx)] SECTION 479A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
16 MCL 750.479A (FAILURE TO OBEY POLICE DIRECTION).

17 [(xxi)] SECTION 535 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.535 (RECEIVING STOLEN PROPERTY).

19 [(xxii)] SECTION 540E OF THE MICHIGAN PENAL CODE, 1931 PA
20 328, MCL 750.540E (MALICIOUS USE OF TELEPHONES).

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

24 (k) The applicant has never been subject to an order of
25 involuntary commitment in an inpatient or outpatient setting due
26 to mental illness.

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1 (l) The applicant does not have a diagnosed mental illness
2 at the time the application is made regardless of whether he or
3 she is receiving treatment for that illness.

4 (m) The applicant is not under a court order of legal inca-
5 pacity in this state or elsewhere.

6 ~~(n) The applicant has knowledge and has had training in the~~
7 ~~safe use and handling of a pistol by the successful completion of~~
8 ~~a pistol safety training course or class that meets the require-~~
9 ~~ments of section 5j, and that is available to the general public~~
10 ~~and presented by a law enforcement agency, junior or community~~
11 ~~college, college, or public or private institution or organiza-~~
12 ~~tion or firearms training school.~~

13 (N) ~~(o)~~ Issuing a license to the applicant to carry a con-
14 cealed pistol in this state is not detrimental to the safety of
15 the applicant or to any other individual. A determination under
16 this subdivision shall be based on clear and convincing evidence
17 of ~~civil infractions,~~ REPEATED VIOLATIONS OF THIS ACT, crimes,
18 personal protection orders or injunctions, or police reports or
19 other clear and convincing evidence of the actions of, or state-
20 ments of, the applicant that bear directly on the applicant's
21 ability to carry a concealed pistol.

22 (8) Upon entry of a court order or conviction of 1 of the
23 enumerated prohibitions for using, transporting, selling, pur-
24 chasing, carrying, shipping, receiving or distributing a firearm
25 in this section the department of state police shall immediately
26 enter the order or conviction into the law enforcement
27 information network. For purposes of this act, information of

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1 the court order or conviction shall not be removed from the law
2 enforcement information network, but may be moved to a separate
3 file intended for the use of the county concealed weapon licens-
4 ing boards, the courts, and other government entities as neces-
5 sary and exclusively to determine eligibility to be licensed
6 under this act.

7 ~~(9) Before submitting an application under this section,~~
8 ~~the individual shall have 2 sets of classifiable fingerprints~~
9 ~~taken by the county sheriff. A sheriff may charge a fee for the~~
10 ~~actual and reasonable costs of taking the fingerprints, but not~~
11 ~~more than \$15.00.~~

12 ~~(10) The county sheriff shall take the fingerprints of an~~
13 ~~individual within the expiration of 5 business days after the~~
14 ~~individual requests his or her fingerprints to be taken under~~
15 ~~subsection (9).~~

16 ~~(11) One set of fingerprints taken under subsection (9)~~
17 ~~shall be taken on a form furnished by the department of state~~
18 ~~police and provided to the applicant under section 5. That set~~
19 ~~of fingerprints shall be forwarded immediately by the county~~
20 ~~sheriff to the department of state police. The department of~~
21 ~~state police shall compare that set of fingerprints with finger-~~
22 ~~prints already on file with the department of state police. The~~
23 ~~other set of fingerprints taken under subsection (9) shall be~~
24 ~~taken on a form furnished by the federal bureau of investigation~~
25 ~~and provided to the applicant under section 5. That set of fin-~~
26 ~~gerprints shall be forwarded immediately by the county sheriff to~~
27 ~~the department of state police who shall forward that set of~~

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1 ~~fingerprints to the federal bureau of investigation or an entity~~
2 ~~designated by the federal bureau of investigation to receive~~
3 ~~those fingerprints. The request shall state that the department~~
4 ~~of state police is to be provided with the report of the~~
5 ~~comparison. The department of state police shall within 10 days~~
6 ~~after receiving the report provide a copy of both comparisons to~~
7 ~~the county sheriff who took the fingerprints and to the concealed~~
8 ~~weapon licensing board of the county in which the applicant~~
9 ~~resides. The concealed weapon licensing board shall not issue a~~
10 ~~concealed weapon license under this section to an applicant until~~
11 ~~the concealed weapon licensing board has received the fingerprint~~
12 ~~comparison reports required under this subsection. The concealed~~
13 ~~weapon licensing board is not required to issue a concealed weap-~~
14 ~~ons license to an applicant if that applicant's fingerprints are~~
15 ~~determined to be unclassifiable by the federal bureau of~~
16 ~~investigation.~~

17 (9) AN INDIVIDUAL, AFTER SUBMITTING AN APPLICATION AND
18 PAYING THE FEE PRESCRIBED UNDER SUBSECTION (5), SHALL REQUEST AND
19 HAVE CLASSIFIABLE FINGERPRINTS TAKEN BY THE COUNTY SHERIFF. THE
20 COUNTY SHERIFF SHALL TAKE THE FINGERPRINTS WITHIN 5 BUSINESS DAYS
21 AFTER THE REQUEST.

22 (10) THE FINGERPRINTS SHALL BE TAKEN, UNDER SUBSECTION (9),
23 ON FORMS AND IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE
24 POLICE. THE FINGERPRINTS SHALL BE IMMEDIATELY FORWARDED TO THE
25 DEPARTMENT OF STATE POLICE FOR COMPARISON WITH FINGERPRINTS
26 ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE
27 DEPARTMENT OF STATE POLICE SHALL FORWARD THE FINGERPRINTS TO THE

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1 FEDERAL BUREAU OF INVESTIGATION. WITHIN 10 DAYS AFTER RECEIVING
2 A REPORT OF THE FINGERPRINTS FROM THE FEDERAL BUREAU OF INVESTI-
3 GATION, THE DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY TO
4 THE SUBMITTING SHERIFF'S DEPARTMENT AND THE CLERK OF THE APPRO-
5 PRIATE CONCEALED WEAPON LICENSING BOARD. EXCEPT AS PROVIDED IN
6 SUBSECTION (14), THE CONCEALED WEAPON LICENSING BOARD SHALL NOT
7 ISSUE A CONCEALED PISTOLS LICENSE UNTIL IT RECEIVES THE FINGER-
8 PRINT COMPARISON REPORT PRESCRIBED IN THIS SUBSECTION. THE CON-
9 CEALED WEAPON LICENSING BOARD MAY DENY A LICENSE IF AN
10 INDIVIDUAL'S FINGERPRINTS ARE NOT CLASSIFIABLE BY THE FEDERAL
11 BUREAU OF INVESTIGATION.

12 (11) ~~(12)~~ The concealed weapon licensing board shall deny
13 a license to an applicant to carry a concealed pistol if the
14 applicant is not qualified under subsection (7) to receive that
15 license.

16 (12) ~~(13)~~ A license to carry a concealed pistol that is
17 issued based upon an application that contains a material false
18 statement is void from the date the license is issued.

19 (13) ~~(14)~~ Subject to subsections ~~(11)~~ (10) and ~~(15)~~
20 (14), the concealed weapon licensing board shall issue or deny
21 issuance of a license within ~~30~~ 45 days after the concealed
22 weapon licensing board receives the fingerprint comparison report
23 provided under subsection ~~(11)~~ (10). If the concealed weapon
24 licensing board denies issuance of a license to carry a concealed
25 pistol, the concealed weapon licensing board shall within 5 busi-
26 ness days do both of the following:

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1 (a) Inform the applicant in writing of the reasons for the
2 denial. Information under this subdivision shall include all of
3 the following:

4 (i) A statement of the specific and articulable facts sup-
5 porting the denial.

6 (ii) Copies of any writings, photographs, records, or other
7 documentary evidence upon which the denial is based.

8 (b) Inform the applicant in writing of his or her right to
9 appeal the denial to the circuit court as provided in section
10 5d.

11 (14) ~~(15)~~ If the fingerprint comparison report is not
12 received by the concealed weapon licensing board within ~~30~~ 60
13 days after the fingerprint report is forwarded to the department
14 of state police by the federal bureau of investigation, the con-
15 cealed weapon licensing board shall issue a temporary license to
16 carry a concealed pistol to the applicant if the applicant is
17 otherwise qualified for a license. A temporary license issued
18 under this section is valid for 180 days or until the concealed
19 weapon licensing board receives the fingerprint comparison report
20 provided under subsection ~~(11)~~ (10) and issues or denies issu-
21 ance of a license to carry a concealed pistol as otherwise pro-
22 vided under this act. Upon issuance or the denial of issuance of
23 the license to carry a concealed pistol to an applicant who
24 received a temporary license under this section, the applicant
25 shall immediately surrender the temporary license to the con-
26 cealed weapon licensing board that issued that temporary
27 license.

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1 (15) IF AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
2 CONCEALED PISTOL MOVES TO A DIFFERENT COUNTY WITHIN THIS STATE,
3 HIS OR HER LICENSE REMAINS VALID UNTIL IT EXPIRES OR IS OTHERWISE
4 SUSPENDED OR REVOKED UNDER THIS ACT. A LICENSE TO CARRY A CON-
5 CEALED PISTOL THAT IS LOST, STOLEN, OR DEFACED MAY BE REPLACED BY
6 THE ISSUING COUNTY CLERK FOR A REPLACEMENT FEE OF \$10.00.

7 (16) IF A CONCEALED WEAPONS LICENSING BOARD SUSPENDS OR
8 REVOKES A LICENSE ISSUED UNDER THIS ACT, THE LICENSE IS FORFEITED
9 AND SHALL BE RETURNED TO THE CONCEALED WEAPONS LICENSING BOARD
10 FORTHWITH.

11 (17) ~~(16)~~ As used in this section:

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

18 (b) "Felony" means that term as defined in section 1 of
19 chapter I of the code of criminal procedure, 1927 PA 175,
20 MCL 761.1, or a violation of a law of the United States or
21 another state that is designated as a felony or that is punish-
22 able by death or by imprisonment for more than 1 year.

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

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1 (d) "Misdemeanor" means a violation of a penal law of this
2 state or violation of a local ordinance substantially correspond-
3 ing to a violation of a penal law of this state that is not a
4 felony or a violation of an order, rule, or regulation of a state
5 agency that is punishable by imprisonment or a fine that is not a
6 civil fine, or both.

7 (e) "Treatment" means care or any therapeutic service,
8 including, but not limited to, the administration of a drug, and
9 any other service for the treatment of a mental illness.

10 Sec. 5c. (1) A license to carry a concealed pistol shall be
11 in a form, WITH THE SAME DIMENSIONS AS A MICHIGAN OPERATOR
12 LICENSE, prescribed by the department of state police. The
13 license shall contain all of the following:

14 (a) The licensee's full name ~~—~~ AND date of birth. ~~—, and~~
15 ~~street address.~~

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

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

19 (D) AN INDICATION OF EXCEPTIONS AUTHORIZED BY THIS ACT
20 APPLICABLE TO THE LICENSEE.

21 (E) AN INDICATION WHETHER THE LICENSE IS A DUPLICATE.

22 (2) Subject to section 5o and except as otherwise provided
23 by law, a license to carry a concealed pistol issued by the
24 county concealed weapon licensing board authorizes the licensee
25 to do all of the following:

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

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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, or fails to
5 issue that license as provided in this act, the applicant may
6 appeal the denial or the failure to issue the license to the cir-
7 cuit court in the judicial circuit in which he or she resides.
8 The appeal of the denial or failure to issue a license shall be
9 determined by a review of the record for error, except that if
10 the decision of the concealed weapon licensing board was based
11 upon grounds specified in section ~~5b(7)(o)~~ 5B(7)(N) that por-
12 tion of the appeal shall be by hearing de novo. Witnesses in the
13 hearing shall be sworn. A jury shall not be provided in a hear-
14 ing under this section. ~~A verbatim record shall be made.~~

15 (2) If the court determines that the denial or failure to
16 issue a license was clearly erroneous, the court shall order the
17 concealed weapon licensing board to issue a license as required
18 by this act.

19 (3) If the court determines that the decision of the con-
20 cealed weapon licensing board to deny issuance of a license to an
21 applicant was arbitrary and capricious, the court shall order
22 this state to pay 1/3 and the county in which the concealed
23 weapon licensing board is located to pay 2/3 of the actual costs
24 and actual attorney fees of the applicant in appealing the
25 denial.

26 (4) If the court determines that an applicant's appeal was
27 frivolous, the court shall order the applicant to pay the actual

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1 costs and actual attorney fees of the concealed weapon licensing
2 board in responding to the appeal.

3 Sec. 5f. (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 AND WHO IS CARRYING A CONCEALED PISTOL shall
9 show both of the following to a peace officer upon request by
10 that peace officer:

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

12 (b) His or her driver license or Michigan personal identifi-
13 cation card.

14 (3) An individual licensed under this act to carry a con-
15 cealed pistol AND WHO IS CARRYING A CONCEALED PISTOL AND who is
16 stopped by a peace officer shall IMMEDIATELY disclose to the
17 peace officer that he or she is carrying a pistol concealed upon
18 his or her person or in his or her vehicle.

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

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

24 (a) For a first offense, by a fine of not more than \$500.00
25 or by the individual's license to carry a concealed pistol being
26 suspended for 6 months, or both.

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1 (b) For a ~~second or~~ subsequent offense WITHIN 3 YEARS OF A
2 PRIOR OFFENSE, by a fine of not more than \$1,000.00 and by the
3 individual's license to carry a concealed pistol being revoked.

4 (6) If an individual is found responsible for a STATE civil
5 infraction under this section, the court shall notify the depart-
6 ment of state police and the concealed weapon licensing board
7 that issued the license of that determination.

8 (7) A pistol carried in violation of this section is subject
9 to immediate seizure by a peace officer. If a peace officer
10 seizes a pistol under this subsection, the individual has 45 days
11 in which to display his or her license or documentation to an
12 authorized employee of the law enforcement entity that employs
13 the peace officer. If the individual displays his or her license
14 or documentation to an authorized employee of the law enforcement
15 entity that employs the peace officer within the 45-day period,
16 the authorized employee of that law enforcement entity shall
17 return the pistol to the individual unless the individual is pro-
18 hibited by law from possessing a firearm. If the individual does
19 not display his or her license or documentation ~~before the expi-~~
20 ~~ration of~~ WITHIN the 45-day period, the pistol is subject to
21 forfeiture as provided in section 5g. A pistol is not subject to
22 immediate seizure under this subsection if both of the following
23 circumstances exist:

24 (a) The individual has his or her driver license or Michigan
25 personal identification card in his or her possession when the
26 violation occurs.

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

4 Sec. 5j. (1) A pistol training or safety program described
5 in section ~~5b(7)(n)~~ 5B(7)(C) meets the requirements for knowl-
6 edge or training in the safe use and handling of a pistol only if
7 THE PROGRAM CONSISTS OF 8 HOURS OF INSTRUCTION AND all of the
8 following conditions are met:

9 (a) The program is certified by this state or a national or
10 state firearms training organization and provides 5 HOURS OF
11 instruction in, but is not limited to providing instruction in,
12 all of the following:

13 (i) The safe storage, use, and handling of a pistol includ-
14 ing, but not limited to, safe storage, use, and handling to pro-
15 tect child safety.

16 (ii) Ammunition knowledge, and the fundamentals of pistol
17 shooting.

18 (iii) Pistol shooting positions.

19 (iv) Firearms and the law, including civil liability issues
20 AND THE USE OF DEADLY FORCE. THIS PORTION SHALL BE TAUGHT BY AN
21 ATTORNEY OR AN INDIVIDUAL TRAINED IN THE USE OF DEADLY FORCE.

22 (v) Avoiding criminal attack and controlling a violent
23 confrontation.

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

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1 (B) ~~(vii) At~~ THE PROGRAM PROVIDES AT least ~~8~~ 3 hours of
2 instruction ~~, including 3 hours of~~ ON A firing range ~~time~~ AND
3 REQUIRES FIRING AT LEAST 30 ROUNDS OF AMMUNITION.

4 (C) ~~(b)~~ The program provides a certificate of completion
5 that states the program complies with the requirements of this
6 section and that the individual successfully completed the
7 course, and that is signed by the course instructor.

8 (D) ~~(c)~~ The instructor of the course is certified by this
9 state or a national organization to teach the 8-hour pistol
10 safety training course described in this section.

11 (2) A person shall not do either of the following:

12 (a) Grant a certificate of completion described under sub-
13 section ~~(1)(b)~~ (1)(C) to an individual knowing the individual
14 did not satisfactorily complete the course.

15 (b) Present a certificate of completion described under sub-
16 section ~~(1)(b)~~ (1)(C) to a concealed weapon licensing board
17 knowing that the individual did not satisfactorily complete the
18 course.

19 (3) A person who violates subsection (2) is guilty of a
20 felony punishable by imprisonment for not more than 4 years or a
21 fine of not more than \$2,500.00, or both.

22 Sec. 5/. (1) A license to carry a concealed pistol ISSUED
23 BEFORE JULY 1, 2003 is valid for 3 years and ~~may be renewed in~~
24 ~~the same manner as the original license was received, except as~~
25 ~~follows:~~ A LICENSE TO CARRY A CONCEALED PISTOL ISSUED ON OR
26 AFTER JULY 1, 2003 IS VALID FOR 5 YEARS. A RENEWAL OF A LICENSE

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1 UNDER SECTION 5B SHALL BE ISSUED IN THE SAME MANNER AS AN
2 ORIGINAL LICENSE ISSUED UNDER SECTION 5B.

3 ~~(a) The renewal fee is \$35.00. The fee shall be payable to~~
4 ~~the county. The county treasurer shall deposit the fee in the~~
5 ~~general fund of the county.~~

6 ~~(b) For an individual who held a general nonrestricted~~
7 ~~license on July 1, 2001 and who was a peace officer or a former~~
8 ~~peace officer, the educational requirements of section 5b(7)(n)~~
9 ~~are waived. For an individual licensed on or after July 1, 2001,~~
10 ~~the educational requirements of section 5b(7)(n) are waived~~
11 ~~except that the applicant shall present a statement signed by the~~
12 ~~applicant certifying that he or she has completed not less than 3~~
13 ~~hours of review of the training described under section 5b(7)(n)~~
14 ~~since receiving his or her license, and that training included~~
15 ~~firing range time in the 6 months immediately preceding his or~~
16 ~~her renewal application. For any other individual licensed~~
17 ~~before July 1, 2001 applying for the first time under this sec-~~
18 ~~tion to renew his or her license to carry a concealed pistol, the~~
19 ~~educational requirements of section 5b(7)(n) are not waived.~~

20 ~~(2) An individual licensed to carry a concealed pistol under~~
21 ~~this act on July 1, 2001 is eligible for a renewal license at the~~
22 ~~fee provided for under this section. This subsection applies~~
23 ~~regardless of whether the license was restricted.~~

24 (2) THE EDUCATIONAL REQUIREMENTS UNDER SECTION 5B(7)(C) ARE
25 WAIVED FOR AN APPLICANT WHO IS A RETIRED POLICE OFFICER OR
26 RETIRED LAW ENFORCEMENT OFFICER.

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1 (3) THE EDUCATIONAL REQUIREMENTS UNDER SECTION 5B(7)(C) FOR
2 AN APPLICANT WHO IS APPLYING FOR A RENEWAL OF A LICENSE UNDER
3 THIS ACT ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT
4 HE OR SHE HAS COMPLETED AT LEAST 3 HOURS' REVIEW OF THE TRAINING
5 DESCRIBED UNDER SECTION 5B(7)(C) AND HAS HAD AT LEAST 1 HOUR OF
6 FIRING RANGE TIME IN THE 6 MONTHS IMMEDIATELY PRECEDING THE SUB-
7 SEQUENT APPLICATION.

8 Sec. 5o. (1) ~~An~~ SUBJECT TO SUBSECTION (4), AN individual
9 licensed under this act to carry a concealed pistol, or who is
10 exempt from licensure under section 12a(f), shall not carry a
11 concealed pistol on the premises of any of the following:

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

20 (b) A public or private CHILD CARE CENTER OR day care
21 center, public or private child caring ~~agency~~ INSTITUTION, or
22 public or private child placing agency.

23 (c) A sports arena or stadium.

24 (d) A ~~dining room, lounge, or bar area of a premises~~ OR
25 TAVERN licensed under the Michigan liquor control code of 1998,
26 1998 PA 58, MCL 436.1101 to 436.2303, WHERE THE PRIMARY SOURCE OF
27 INCOME OF THE BUSINESS IS THE SALE OF ALCOHOLIC LIQUOR BY THE

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1 GLASS AND CONSUMED ON THE PREMISES. This subdivision shall not
2 apply to an owner or employee of the ~~premises~~ BUSINESS.

3 (e) Any property or facility owned or operated by a church,
4 synagogue, mosque, temple, or other place of worship, unless the
5 presiding official or officials of the church, synagogue, mosque,
6 temple, or other place of worship permit the carrying of con-
7 cealed pistol on that property or facility.

8 (f) An entertainment facility WITH A SEATING CAPACITY OF
9 2,500 OR MORE INDIVIDUALS that the individual knows or should
10 know has a seating capacity of 2,500 or more individuals or that
11 has a sign above each public entrance stating in letters not less
12 than 1-inch high a seating capacity of 2,500 or more
13 individuals.

14 (g) A hospital.

15 (h) A dormitory or classroom of a community college, col-
16 lege, or university.

17 (I) COURTROOMS.

18 (2) An individual licensed under this act to carry a con-
19 cealed pistol, or who is exempt from licensure under section
20 12a(f), shall not carry a concealed pistol in violation of
21 R 432.1212 or a successor rule of the Michigan administrative
22 code promulgated pursuant to the Michigan gaming control and rev-
23 enue act, the ~~initiated law~~ INITIATED LAW of 1996, MCL 432.201
24 to 432.226.

25 (3) AS USED IN SUBSECTION (1), "PREMISES" DOES NOT INCLUDE
26 PARKING AREAS OF THE PLACES IDENTIFIED UNDER SUBSECTION (1).

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1 (4) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

2 (A) AN INDIVIDUAL LICENSED UNDER THIS ACT WHO IS A RETIRED
3 POLICE OFFICER OR RETIRED LAW ENFORCEMENT OFFICER. AS USED IN
4 THIS SUBDIVISION, "RETIRED POLICE OFFICER" OR "RETIRED LAW
5 ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL WHO WAS A CERTIFIED
6 POLICE OFFICER OR CERTIFIED LAW ENFORCEMENT OFFICER AS THOSE
7 TERMS ARE DEFINED UNDER SECTION 2(K) OF THE COMMISSION ON LAW
8 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.602, AND RETIRED
9 IN GOOD STANDING FROM HIS OR HER EMPLOYMENT AS A POLICE OFFICER
10 OR LAW ENFORCEMENT OFFICER. THE CONCEALED WEAPON LICENSING BOARD
11 MAY REQUIRE A LETTER FROM THE LAW ENFORCEMENT AGENCY STATING THAT
12 THE RETIRED POLICE OFFICER OR LAW ENFORCEMENT OFFICER RETIRED IN
13 GOOD STANDING.

14 (B) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS
15 EMPLOYED OR CONTRACTED BY AN ENTITY DESCRIBED UNDER SUBSECTION
16 (1) TO PROVIDE SECURITY SERVICES AND IS REQUIRED BY HIS OR HER
17 EMPLOYER OR THE TERMS OF A CONTRACT TO CARRY A CONCEALED FIREARM
18 ON THE PREMISES OF THE EMPLOYING OR CONTRACTING ENTITY.

[(C) AN INDIVIDUAL WHO IS LICENSED AS A PRIVATE INVESTIGATOR OR
PRIVATE DETECTIVE UNDER THE PRIVATE DETECTIVE LICENSE ACT, 1965 PA 285,
MCL 338.821 TO 338.851.]

19 [(D)] ANY OF THE FOLLOWING WHO IS LICENSED UNDER THIS ACT
20 WHILE ON DUTY AND IN THE COURSE OF HIS OR HER EMPLOYMENT:

21 (i) A CORRECTIONS OFFICER OF A COUNTY SHERIFF'S DEPARTMENT.

22 (ii) A MOTOR CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF
23 THE DEPARTMENT OF STATE POLICE.

24 (iii) A MEMBER OF A SHERIFF'S POSSE.

25 (iv) AN AUXILIARY OFFICER OR RESERVE OFFICER OF A POLICE OR
26 SHERIFF'S DEPARTMENT.

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1 (v) A PAROLE OR PROBATION OFFICER OF THE DEPARTMENT OF
2 CORRECTIONS.

3 (vi) A COURT OFFICER.

4 [

5

6]

7 (5) ~~(3)~~ An individual who violates this section is respon-
8 sible for a STATE civil ~~violation guilty of a crime~~ INFRACTION
9 as follows:

10 (a) Except as provided in ~~subdivisions (b) and (c)~~
11 SUBDIVISION (B), the individual is responsible for a STATE civil
12 ~~violation~~ INFRACTION and may be fined not more than \$500.00.
13 ~~The court shall order the individual's license to carry a con-~~
14 ~~cealed pistol suspended for 6 months.~~

15 (b) For a ~~second~~ SUBSEQUENT violation WITHIN 3 YEARS OF A
16 PRIOR VIOLATION, the individual is ~~guilty of~~ RESPONSIBLE FOR a
17 ~~misdemeanor punishable by a fine of~~ STATE CIVIL INFRACTION AND
18 MAY BE FINED not more than \$1,000.00. ~~The court shall order the~~
19 ~~individual's license to carry a concealed pistol revoked.~~ IN
20 ADDITION, THE CONCEALED PISTOL LICENSE ISSUED UNDER THIS ACT MAY
21 BE SUSPENDED FOR NOT MORE THAN 1 YEAR.

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

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1 Enacting section 1. This amendatory act takes effect July
2 1, 2003.