

HOUSE BILL No. 4818

June 10, 2003, Introduced by Rep. Hummel and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms 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 section 5b (MCL 28.425b), as amended by 2002 PA 719.

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.
4 The application shall be filed with the county clerk during the
5 county clerk's normal business hours. The application shall be

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

7 (a) The applicant's legal name and date of birth and the
8 address of his or her primary residence. If the applicant
9 resides in a city, village, or township that has a police
10 department, the name of the police department.

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

14 (c) A statement by the applicant authorizing the concealed
15 weapon licensing board to access any record, including any
16 medical record, pertaining to the applicant's qualifications for
17 a license to carry a concealed pistol under this act. The
18 applicant may request that information received by the concealed
19 weapon licensing board under this subdivision be reviewed in a
20 closed session. If the applicant requests that the session be
21 closed, the concealed weapon licensing board shall close the
22 session only for purposes of this subdivision. The applicant and
23 his or her representative have the right to be present in the
24 closed session. Medical records and personal identifying
25 information received by the concealed weapon licensing board
26 under this subdivision is confidential, is not subject to
27 disclosure under the freedom of information act, 1976 PA 442,

1 MCL 15.231 to 15.246, and shall not be disclosed to any person
2 except for purposes of this act or for law enforcement purposes
3 or if the applicant is convicted of a felony involving a pistol.

4 (d) A statement by the applicant regarding whether he or she
5 has a history of mental illness that would disqualify him or her
6 under subsection (7)(j) to (l) from receiving a license to carry
7 a concealed pistol, and authorizing the concealed weapon
8 licensing board to access the mental health records of the
9 applicant relating to his or her mental health history. The
10 applicant may request that information received by the concealed
11 weapon licensing board under this subdivision be reviewed in a
12 closed session. If the applicant requests that the session be
13 closed, the concealed weapon licensing board shall close the
14 session only for purposes of this subdivision. The applicant and
15 his or her representative have the right to be present in the
16 closed session. Medical records and personal identifying
17 information received by the concealed weapon licensing board
18 under this subdivision is confidential, is not subject to
19 disclosure under the freedom of information act, 1976 PA 442,
20 MCL 15.231 to 15.246, and shall not be disclosed to any person
21 except for purposes of this act or for law enforcement purposes.

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

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

27 (g) If the applicant seeks a temporary license, the facts

1 supporting the issuance of that temporary license.

2 (h) The names, residential addresses, and telephone numbers
3 of 2 individuals who are references for the applicant.

4 (i) A passport-quality photograph of the applicant provided
5 by the applicant at the time of application.

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

8 (2) The application form shall contain a conspicuous warning
9 that the application is executed under oath and that
10 intentionally making a material false statement on the
11 application is a felony punishable by imprisonment for not more
12 than 4 years or a fine of not more than \$2,500.00, or both.

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

17 (4) The concealed weapon licensing board shall retain a copy
18 of each application for a license to carry a concealed pistol as
19 an official record. One year after the expiration of a concealed
20 pistol license, the county clerk may destroy the record and
21 maintain only a name index of the record.

22 (5) Each applicant shall pay a fee of \$105.00 by any method
23 of payment accepted by that county for payments of other fees and
24 penalties. ~~A~~ **Except for a local police agency as provided in**
25 **subsection (9),** a unit of local government, an agency of a unit
26 of local government, or an agency or department of this state
27 shall not charge an additional fee, assessment, or other amount

1 in connection with a license under this section. The fee shall
2 be payable to the county. The county treasurer shall deposit
3 \$41.00 of each fee collected under this section in the general
4 fund of the county and credit \$26.00 of that deposit to the
5 credit of the county clerk and \$15.00 of that deposit to the
6 credit of the county sheriff and forward the balance to the state
7 treasurer. The state treasurer shall deposit the balance of the
8 fee in the general fund to the credit of the department of state
9 police. The department of state police shall use the money
10 received under this act to process the fingerprints and to
11 reimburse the federal bureau of investigation for the costs
12 associated with processing fingerprints submitted under this
13 act. The balance of the money received under this act shall be
14 credited to the department of state police.

15 (6) The county sheriff on behalf of the concealed weapon
16 licensing board shall verify the requirements of subsection
17 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the
18 law enforcement information network and report his or her finding
19 to the concealed weapon licensing board. If the applicant
20 resides in a city, village, or township that has a police
21 department, the concealed weapon licensing board shall contact
22 that city, village, or township police department to determine
23 only whether that city, village, or township police department
24 has any information relevant to the investigation of whether the
25 applicant is eligible under this act to receive a license to
26 carry a concealed pistol.

27 (7) The concealed weapon licensing board shall issue a

1 license to an applicant to carry a concealed pistol within the
2 period required under this act after the applicant properly
3 submits an application under subsection (1) and the concealed
4 weapon licensing board determines that all of the following
5 circumstances exist:

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

7 (b) The applicant is a citizen of the United States or is a
8 resident legal alien as defined in section 11 of title 18 of the
9 United States Code, is a resident of this state, and has resided
10 in this state for at least 6 months. The concealed weapon
11 licensing board may waive the 6-month residency requirement for a
12 temporary license under section 5a(8) if the concealed weapon
13 licensing board determines there is probable cause to believe the
14 safety of the applicant or the safety of a member of the
15 applicant's family is endangered by the applicant's inability to
16 immediately obtain a license to carry a concealed pistol.

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

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

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

1 (ii) ~~Former section 444a of the revised probate code, 1978~~
2 ~~PA 642, MCL 700.444a, or section~~ **Section** 5107 of the estates and
3 protected individuals code, 1998 PA 386, MCL 700.5107.

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

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

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

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

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

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

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

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

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

4 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
5 MCL 257.625m punishable under subsection (4) of that section
6 (drunk driving, commercial vehicle).

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

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

12 (vi) Section 185 of the aeronautics code of the state of
13 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft with
14 alcohol with prior conviction).

15 (vii) Section 29 of the weights and measures act, 1964
16 PA 283, MCL 290.629 (hindering or obstructing weights and
17 measures enforcement officer).

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

21 (ix) Section ~~80134~~ **81134** of the natural resources and
22 environmental protection act, 1994 PA 451, MCL ~~324.80134~~
23 **324.81134**, punishable under subsection (5) or (6) of that section
24 (operating ORV under the influence, second or subsequent
25 offense).

26 (x) Section 82127 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.82127 (operating a

1 snowmobile under the influence with prior conviction), punishable
2 under section 82128(1)(b) or (c) of the natural resources and
3 environmental protection act, 1994 PA 451, MCL 324.82128.

4 (xi) Section 80176 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.80176, and punishable under
6 section 80177(1)(b) (operating vessel under the influence, second
7 or subsequent offense).

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

10 (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,
11 MCL 462.353 (operating locomotive under the influence),
12 punishable under subsection (4) of that section.

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

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

17 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931
18 PA 328, MCL 750.81a (aggravated assault or aggravated domestic
19 assault).

20 (xvii) Section 115 of the Michigan penal code, 1931 PA 328,
21 MCL 750.115 (entering without breaking).

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

24 **(xix)** ~~(xix)~~ Section 145a of the Michigan penal code, 1931
25 PA 328, MCL 750.145a (accosting, enticing, or soliciting a child
26 for immoral purposes).

27 (xx) Section 145n of the Michigan penal code, 1931 PA 328,

1 MCL 750.145n (vulnerable adult abuse).

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

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

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

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

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

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

15 (xxvii) Section 228 of the Michigan penal code, 1931 PA 328,
16 MCL 750.228 (failure to have a pistol inspected).

17 (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,
18 MCL 750.229 (accepting a pistol in pawn).

19 **(xxix)** ~~(xxix)~~ Section 232 of the Michigan penal code, 1931
20 PA 328, MCL 750.232 (failure to register the purchase of a
21 firearm or a firearm component).

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

26 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328,
27 MCL 750.233 (intentionally aiming a firearm without malice).

1 (*xxxii*) Section 234 of the Michigan penal code, 1931 PA 328,
2 MCL 750.234 (intentionally discharging a firearm aimed without
3 malice).

4 (*xxxiii*) Section 234d of the Michigan penal code, 1931
5 PA 328, MCL 750.234d (possessing a firearm on prohibited
6 premises).

7 (*xxxiv*) Section 234e of the Michigan penal code, 1931 PA 328,
8 MCL 750.234e (brandishing a firearm in public).

9 (*xxxv*) Section 234f of the Michigan penal code, 1931 PA 328,
10 MCL 750.234f (possession of a firearm by an individual less than
11 18 years of age).

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

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

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

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

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

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

27 (*xliv*) Section 411h of the Michigan penal code, 1931 PA 328,

1 MCL 750.411h (stalking).

2 (*xl*iii) Section 1 of 1952 PA 45, MCL 752.861 (reckless,
3 careless, or negligent use of a firearm resulting in injury or
4 death).

5 (*xl*iv) Section 2 of 1952 PA 45, MCL 752.862 (careless,
6 reckless, or negligent use of a firearm resulting in property
7 damage).

8 (*xl*v) Section 3a of 1952 PA 45, MCL 752.863a (reckless
9 discharge of a firearm).

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

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

18 (*i*) Section 625 of the Michigan vehicle code, 1949 PA 300,
19 MCL 257.625 (operating under the influence).

20 (*ii*) Section 625a of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.625a (refusal of commercial vehicle driver to submit to a
22 chemical test).

23 (*iii*) Section 625k of the Michigan vehicle code, 1949 PA 300,
24 MCL 257.625k (negligently fails to comply).

25 (*iv*) Section 625l of the Michigan vehicle code, 1949 PA 300,
26 MCL 257.625l (circumventing an ignition interlocking device).

27 (*v*) Section 625m of the Michigan vehicle code, 1949 PA 300,

1 MCL 257.625m, punishable under subsection (3) of that section
2 (operating a commercial vehicle with alcohol content).

3 (vi) Section 185 of the aeronautics code of the state of
4 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
5 influence).

6 (vii) Section 81134 of the natural resources and
7 environmental protection act, 1994 PA 451, MCL 324.81134
8 (operating ORV under the influence).

9 (viii) Section 81135 of the natural resources and
10 environmental protection act, 1994 PA 451, MCL 324.81135
11 (operating ORV having consumed controlled substance).

12 (ix) Section 82127 of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.82127 (operating a
14 snowmobile under the influence).

15 (x) Part 74 of the public health code, 1978 PA 368, MCL
16 333.7401 to 333.7461 (controlled substances).

17 (xi) Section 353 of the railroad code of 1993, 1993 PA 354,
18 MCL 462.353 (operating locomotive under the influence),
19 punishable under subsection (3) of that section.

20 (xii) Section 167 of the Michigan penal code, 1931 PA 328,
21 MCL 750.167 (disorderly person).

22 (xiii) Section 174 of the Michigan penal code, 1931 PA 328,
23 MCL 750.174 (embezzlement).

24 (xiv) Section 218 of the Michigan penal code, 1931 PA 328,
25 MCL 750.218 (false pretenses).

26 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
27 750.356 (larceny).

1 (xvi) Section 356d of the Michigan penal code, 1931 PA 328,
2 MCL 750.356d (retail fraud).

3 (xvii) Section 359 of the Michigan penal code, 1931 PA 328,
4 MCL 750.359 (larceny-vacant building).

5 (xviii) Section 362 of the Michigan penal code, 1931 PA 328,
6 MCL 750.362 (larceny by conversion).

7 (xix) Section 362a of the Michigan penal code, 1931 PA 328,
8 MCL 750.362a (defrauding lessor).

9 (xx) Section 377a of the Michigan penal code, 1931 PA 328,
10 MCL 750.377a (malicious destruction of property).

11 (xxi) Section 380 of the Michigan penal code, 1931 PA 328,
12 MCL 750.380 (malicious destruction of real property).

13 (xxii) Section 479a of the Michigan penal code, 1931 PA 328,
14 MCL 750.479a (failure to obey police direction).

15 **(xxiii)** ~~(xxiii)~~ Section 535 of the Michigan penal code,
16 1931 PA 328, MCL 750.535 (receiving stolen property).

17 (xxiv) Section 540e of the Michigan penal code, 1931 PA 328,
18 MCL 750.540e (malicious use of telephones).

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

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

1 to mental illness.

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

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

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

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

1 (9) An individual, after submitting an application and paying
2 the fee prescribed under subsection (5), shall request and have
3 classifiable fingerprints taken by the county sheriff or a local
4 police agency **if that local police agency maintains**
5 **fingerprinting capability. If the individual requests that**
6 **classifiable fingerprints be taken by a local police agency, the**
7 **individual shall also pay to that local police agency a fee of**
8 **\$15.00 by any method of payment accepted by the unit of local**
9 **government for payments of other fees and penalties.** The county
10 sheriff or local police agency shall take the fingerprints within
11 5 business days after the request.

12 (10) The fingerprints shall be taken, under subsection (9),
13 on forms and in a manner prescribed by the department of state
14 police. The fingerprints shall be immediately forwarded to the
15 department of state police for comparison with fingerprints
16 already on file with the department of state police. The
17 department of state police shall forward the fingerprints to the
18 federal bureau of investigation. Within 10 days after receiving
19 a report of the fingerprints from the federal bureau of
20 investigation, the department of state police shall provide a
21 copy to the submitting sheriff's department or local police
22 agency as appropriate and the clerk of the appropriate concealed
23 weapon licensing board. Except as provided in subsection (14),
24 the concealed weapon licensing board shall not issue a concealed
25 pistols license until it receives the fingerprint comparison
26 report prescribed in this subsection. The concealed weapon
27 licensing board may deny a license if an individual's

1 fingerprints are not classifiable by the federal bureau of
2 investigation.

3 (11) The concealed weapon licensing board shall deny a
4 license to an applicant to carry a concealed pistol if the
5 applicant is not qualified under subsection (7) to receive that
6 license.

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

10 (13) Subject to subsections (10) and (14), the concealed
11 weapon licensing board shall issue or deny issuance of a license
12 within 45 days after the concealed weapon licensing board
13 receives the fingerprint comparison report provided under
14 subsection (10). If the concealed weapon licensing board denies
15 issuance of a license to carry a concealed pistol, the concealed
16 weapon licensing board shall within 5 business days do both of
17 the following:

18 (a) Inform the applicant in writing of the reasons for the
19 denial. Information under this subdivision shall include all of
20 the following:

21 (i) A statement of the specific and articulable facts
22 supporting the denial.

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

25 (b) Inform the applicant in writing of his or her right to
26 appeal the denial to the circuit court as provided in section
27 5d.

1 (14) If the fingerprint comparison report is not received by
2 the concealed weapon licensing board within 60 days after the
3 fingerprint report is forwarded to the department of state police
4 by the federal bureau of investigation, the concealed weapon
5 licensing board shall issue a temporary license to carry a
6 concealed pistol to the applicant if the applicant is otherwise
7 qualified for a license. A temporary license issued under this
8 section is valid for 180 days or until the concealed weapon
9 licensing board receives the fingerprint comparison report
10 provided under subsection (10) and issues or denies issuance of a
11 license to carry a concealed pistol as otherwise provided under
12 this act. Upon issuance or the denial of issuance of the license
13 to carry a concealed pistol to an applicant who received a
14 temporary license under this section, the applicant shall
15 immediately surrender the temporary license to the concealed
16 weapon licensing board that issued that temporary license.

17 (15) If an individual licensed under this act to carry a
18 concealed pistol moves to a different county within this state,
19 his or her license remains valid until it expires or is otherwise
20 suspended or revoked under this act. A license to carry a
21 concealed pistol that is lost, stolen, or defaced may be replaced
22 by the issuing county clerk for a replacement fee of \$10.00.

23 (16) If a concealed weapons licensing board suspends or
24 revokes a license issued under this act, the license is forfeited
25 and shall be returned to the concealed weapons licensing board
26 forthwith.

27 (17) As used in this section:

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

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

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

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

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

26 Enacting section 1. This amendatory act takes effect July
27 1, 2003.