

SUBSTITUTE FOR
HOUSE BILL NO. 5969

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 2, 5b, 5l, 5o, 8, and 9 (MCL 28.422, 28.425b, 28.425l, 28.425o, 28.428, and 28.429), section 2 as amended by 2004 PA 101, section 5b as amended by 2006 PA 350, section 5l as amended by 2006 PA 456, section 5o as amended by 2002 PA 719, section 8 as amended by 2000 PA 381, and section 9 as amended by 2004 PA 100.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as **OTHERWISE** provided in ~~subsection (2)~~

1 **THIS SECTION**, a person shall not purchase, carry, or transport a
2 pistol in this state without first having obtained a license for
3 the pistol as prescribed in this section.

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

9 (3) The commissioner or chief of police of a city, township,
10 or village police department that issues licenses to purchase,
11 carry, or transport pistols, or his or her duly authorized deputy,
12 or the sheriff or his or her duly authorized deputy, in the parts
13 of a county not included within a city, township, or village having
14 an organized police department, in discharging the duty to issue
15 licenses shall with due speed and diligence issue licenses to
16 purchase, carry, or transport pistols to qualified applicants
17 residing within the city, village, township, or county, as
18 applicable unless he or she has probable cause to believe that the
19 applicant would be a threat to himself or herself or to other
20 individuals, or would commit an offense with the pistol that would
21 violate a law of this or another state or of the United States. An
22 applicant is qualified if all of the following circumstances exist:

23 (a) The person is not subject to an order or disposition for
24 which he or she has received notice and an opportunity for a
25 hearing, and which was entered into the law enforcement information
26 network pursuant to any of the following:

27 (i) Section 464a(1) of the mental health code, 1974 PA 258, MCL

1 330.1464a.

2 (ii) Section 5107 of the estates and protected individuals
3 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
4 642.

5 (iii) Section 2950(9) of the revised judicature act of 1961,
6 1961 PA 236, MCL 600.2950.

7 (iv) Section 2950a(7) of **THE REVISED JUDICATURE ACT OF 1961**,
8 1961 PA 236, MCL 600.2950a.

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

10 (vi) Section 6b(5) of chapter V of the code of criminal
11 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
12 imposed pursuant to section 6b(3) of chapter V of **THE CODE OF**
13 **CRIMINAL PROCEDURE**, 1927 PA 175, MCL 765.6b.

14 (vii) Section 16b(1) of chapter IX of **THE CODE OF CRIMINAL**
15 **PROCEDURE**, 1927 PA 175, MCL 769.16b.

16 (b) The person is 18 years of age or older or, if the seller
17 is licensed pursuant to ~~section 923 of title 18 of the United~~
18 ~~States Code~~, 18 USC 923, is 21 years of age or older.

19 (c) The person is a citizen of the United States and is a
20 legal resident of this state. **FOR THE PURPOSES OF THIS SECTION, A**
21 **PERSON SHALL BE CONSIDERED A LEGAL RESIDENT OF THIS STATE IF ANY OF**
22 **THE FOLLOWING APPLY:**

23 (i) **THE PERSON HAS A VALID, LAWFULLY OBTAINED MICHIGAN DRIVER**
24 **LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
25 **257.1 TO 257.923, OR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD**
26 **ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300.**

27 (ii) **THE PERSON IS LAWFULLY REGISTERED TO VOTE IN THIS STATE.**

1 (iii) THE PERSON IS ON ACTIVE DUTY STATUS WITH THE UNITED STATES
2 ARMED FORCES AND IS STATIONED OUTSIDE OF THIS STATE, BUT THE
3 PERSON'S HOME OF RECORD IS IN THIS STATE.

4 (iv) THE PERSON IS ON ACTIVE DUTY STATUS WITH THE UNITED STATES
5 ARMED FORCES AND IS PERMANENTLY STATIONED IN THIS STATE, BUT THE
6 PERSON'S HOME OF RECORD IS IN ANOTHER STATE.

7 (d) A felony charge OR A CRIMINAL CHARGE LISTED IN SECTION 5B
8 against the person is not pending at the time of application.

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

13 (f) The person has not been adjudged insane in this state or
14 elsewhere unless he or she has been adjudged restored to sanity by
15 court order.

16 (g) The person is not under an order of involuntary commitment
17 in an inpatient or outpatient setting due to mental illness.

18 (h) The person has not been adjudged legally incapacitated in
19 this state or elsewhere. This subdivision does not apply to a
20 person who has had his or her legal capacity restored by order of
21 the court.

22 (i) The person correctly answers 70% or more of the questions
23 on a basic pistol safety review questionnaire approved by the basic
24 pistol safety review board and provided to the individual free of
25 charge by the licensing authority. If the person fails to correctly
26 answer 70% or more of the questions on the basic pistol safety
27 review questionnaire, the licensing authority shall inform the

1 person of the questions he or she answered incorrectly and allow
2 the person to attempt to complete another basic pistol safety
3 review questionnaire. The person shall not be allowed to attempt to
4 complete more than 2 basic pistol safety review questionnaires on
5 any single day. The licensing authority shall allow the person to
6 attempt to complete the questionnaire during normal business hours
7 on the day the person applies for his or her license.

8 (4) Applications for licenses under this section shall be
9 signed by the applicant under oath upon forms provided by the
10 director of the department of state police. Licenses to purchase,
11 carry, or transport pistols shall be executed in triplicate upon
12 forms provided by the director of the department of state police
13 and shall be signed by the licensing authority. Three copies of the
14 license shall be delivered to the applicant by the licensing
15 authority.

16 (5) Upon the sale of the pistol, the seller shall fill out the
17 license forms describing the pistol sold, together with the date of
18 sale, and sign his or her name in ink indicating that the pistol
19 was sold to the licensee. The licensee shall also sign his or her
20 name in ink indicating the purchase of the pistol from the seller.
21 The seller may retain a copy of the license as a record of the sale
22 of the pistol. The licensee shall return 2 copies of the license to
23 the licensing authority within 10 days following the purchase of
24 the pistol.

25 (6) One copy of the license shall be retained by the licensing
26 authority as an official record for a period of 6 years. The other
27 copy of the license shall be forwarded by the licensing authority

1 within 48 hours to the director of the department of state police.
2 A license is void unless used within 10 days after the date of its
3 issue.

4 (7) This section does not apply to the purchase of pistols
5 from wholesalers by dealers regularly engaged in the business of
6 selling pistols at retail, or to the sale, barter, or exchange of
7 pistols kept as relics or curios not made for modern ammunition or
8 permanently deactivated. This section does not prevent the transfer
9 of ownership of pistols that are inherited if the license to
10 purchase is approved by the commissioner or chief of police,
11 sheriff, or their authorized deputies, and signed by the personal
12 representative of the estate or by the next of kin having authority
13 to dispose of the pistol.

14 (8) AN INDIVIDUAL WHO IS NOT A RESIDENT OF THIS STATE IS NOT
15 REQUIRED TO OBTAIN A LICENSE UNDER THIS SECTION IF ALL OF THE
16 FOLLOWING CONDITIONS APPLY:

17 (A) THE INDIVIDUAL IS LICENSED IN HIS OR HER STATE OF
18 RESIDENCE TO PURCHASE, CARRY, OR TRANSPORT A PISTOL.

19 (B) THE INDIVIDUAL IS IN POSSESSION OF THE LICENSE DESCRIBED
20 IN SUBDIVISION (A).

21 (C) THE INDIVIDUAL IS THE OWNER OF THE PISTOL HE OR SHE
22 POSSESSES, CARRIES, OR TRANSPORTS.

23 (D) THE INDIVIDUAL POSSESSES THE PISTOL FOR A LAWFUL PURPOSE
24 AS THAT TERM IS DEFINED IN SECTION 231A OF THE MICHIGAN PENAL CODE,
25 1931 PA 328, MCL 750.231A.

26 (E) THE INDIVIDUAL IS IN THIS STATE FOR A PERIOD OF 180 DAYS
27 OR LESS AND DOES NOT INTEND TO ESTABLISH RESIDENCY IN THIS STATE.

1 (9) AN INDIVIDUAL WHO IS A NONRESIDENT OF THIS STATE SHALL
2 PRESENT THE LICENSE DESCRIBED IN SUBSECTION (8) (A) UPON THE DEMAND
3 OF A POLICE OFFICER. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS
4 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
5 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

6 (10) THE LICENSING AUTHORITY MAY REQUIRE A PERSON CLAIMING
7 ACTIVE DUTY STATUS WITH THE UNITED STATES ARMED FORCES TO PROVIDE
8 PROOF OF 1 OR BOTH OF THE FOLLOWING:

9 (A) THE PERSON'S HOME OF RECORD.

10 (B) PERMANENT ACTIVE DUTY ASSIGNMENT IN THIS STATE.

11 (11) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS YOUNGER
12 THAN THE AGE REQUIRED UNDER SUBSECTION (3) (B) AND WHO POSSESSES A
13 PISTOL IF ALL OF THE FOLLOWING CONDITIONS APPLY:

14 (A) THE PERSON IS NOT OTHERWISE PROHIBITED FROM POSSESSING
15 THAT PISTOL.

16 (B) THE PERSON IS AT A RECOGNIZED TARGET RANGE.

17 (C) THE PERSON POSSESSES THE PISTOL FOR THE PURPOSE OF TARGET
18 PRACTICE OR INSTRUCTION IN THE SAFE USE OF A PISTOL.

19 (D) THE PERSON'S PARENT OR GUARDIAN IS PHYSICALLY PRESENT AND
20 SUPERVISING THE PERSON.

21 (E) THE OWNER OF THE PISTOL IS PHYSICALLY PRESENT.

22 (12) THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES A
23 PISTOL IF ALL OF THE FOLLOWING CONDITIONS APPLY:

24 (A) THE PERSON IS NOT OTHERWISE PROHIBITED FROM POSSESSING A
25 PISTOL.

26 (B) THE PERSON IS AT A RECOGNIZED TARGET RANGE OR SHOOTING
27 FACILITY.

1 (C) THE PERSON POSSESSES THE PISTOL FOR THE PURPOSE OF TARGET
2 PRACTICE OR INSTRUCTION IN THE SAFE USE OF A PISTOL.

3 (D) THE OWNER OF THE PISTOL IS PHYSICALLY PRESENT AND
4 SUPERVISING THE USE OF THE PISTOL.

5 (13) ~~(8)~~—The licensing authority shall provide a basic pistol
6 safety brochure to each applicant for a license under this section
7 before the applicant answers the basic pistol safety review
8 questionnaire. A basic pistol safety brochure shall contain, but is
9 not limited to providing, information on all of the following
10 subjects:

11 (a) Rules for safe handling and use of pistols.

12 (b) Safe storage of pistols.

13 (c) Nomenclature and description of various types of pistols.

14 (d) The responsibilities of owning a pistol.

15 (14) ~~(9)~~—The basic pistol safety brochure shall be supplied in
16 addition to the safety pamphlet required by section 9b.

17 (15) ~~(10)~~—The basic pistol safety brochure required in
18 subsection ~~(8)~~—(13) shall be produced by a national nonprofit
19 membership organization that provides voluntary pistol safety
20 programs that include training individuals in the safe handling and
21 use of pistols.

22 (16) ~~(11)~~—A person who forges any matter on an application for
23 a license under this section is guilty of a felony, punishable by
24 imprisonment for not more than 4 years or a fine of not more than
25 \$2,000.00, or both.

26 (17) ~~(12)~~—A licensing authority shall implement this section
27 during all of the licensing authority's normal business hours and

1 shall set hours for implementation that allow an applicant to use
2 the license within the time period set forth in subsection (6).

3 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
4 an individual shall apply to the concealed weapon licensing board
5 in the county in which that individual resides. The application
6 shall be filed with the county clerk during the county clerk's
7 normal business hours. The application shall be on a form provided
8 by the director of the department of state police and shall allow
9 the applicant to designate whether the applicant seeks a temporary
10 license. The application shall be signed under oath by the
11 applicant. The oath shall be administered by the county clerk or
12 his or her representative. The application shall contain all of the
13 following information:

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

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

24 (c) A statement by the applicant authorizing the concealed
25 weapon licensing board to access any record, including any medical
26 record, pertaining to the applicant's qualifications for a license
27 to carry a concealed pistol under this act. The applicant may

1 request that information received by the concealed weapon licensing
2 board under this subdivision be reviewed in a closed session. If
3 the applicant requests that the session be closed, the concealed
4 weapon licensing board shall close the session only for purposes of
5 this subdivision. The applicant and his or her representative have
6 the right to be present in the closed session. Medical records and
7 personal identifying information received by the concealed weapon
8 licensing board under this subdivision is confidential, is not
9 subject to disclosure under the freedom of information act, 1976 PA
10 442, MCL 15.231 to 15.246, and shall not be disclosed to any person
11 except for purposes of this act or for law enforcement purposes or
12 if the applicant is convicted of a felony involving a pistol.

13 (d) A statement by the applicant regarding whether he or she
14 has a history of mental illness that would disqualify him or her
15 under subsection (7)(j) to (l) from receiving a license to carry a
16 concealed pistol, and authorizing the concealed weapon licensing
17 board to access the mental health records of the applicant relating
18 to his or her mental health history. The applicant may request that
19 information received by the concealed weapon licensing board under
20 this subdivision be reviewed in a closed session. If the applicant
21 requests that the session be closed, the concealed weapon licensing
22 board shall close the session only for purposes of this
23 subdivision. The applicant and his or her representative have the
24 right to be present in the closed session. Medical records and
25 personal identifying information received by the concealed weapon
26 licensing board under this subdivision is confidential, is not
27 subject to disclosure under the freedom of information act, 1976 PA

1 442, 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 (e) A statement by the applicant regarding whether he or she
4 has ever been convicted in this state or elsewhere for any of the
5 following:

6 (i) Any felony.

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

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

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

14 (h) The names, residential addresses, and telephone numbers of
15 2 individuals who are references for the applicant. Information
16 received under this subdivision is confidential, is not subject to
17 disclosure under the freedom of information act, 1976 PA 442, MCL
18 15.231 to 15.246, and shall not be disclosed to any person except
19 for purposes of this act or for law enforcement purposes.

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

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

24 (2) The application form shall contain a conspicuous warning
25 that the application is executed under oath and that intentionally
26 making a material false statement on the application is a felony
27 punishable by imprisonment for not more than 4 years or a fine of

1 not more than \$2,500.00, or both.

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

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

11 (5) Each applicant shall pay a **NONREFUNDABLE** fee of \$105.00 by
12 any method of payment accepted by that county for payments of other
13 fees and penalties. Except for a local police agency as provided in
14 subsection (9), a unit of local government, an agency of a unit of
15 local government, or an agency or department of this state shall
16 not charge an additional fee, assessment, or other amount in
17 connection with a license under this section. The fee shall be
18 payable to the county. The county treasurer shall deposit \$41.00 of
19 each fee collected under this section in the general fund of the
20 county and credit \$26.00 of that deposit to the credit of the
21 county clerk and \$15.00 of that deposit to the credit of the county
22 sheriff and forward the balance to the state treasurer. The state
23 treasurer shall deposit the balance of the fee in the general fund
24 to the credit of the department of state police. The department of
25 state police shall use the money received under this act to process
26 the fingerprints and to reimburse the federal bureau of
27 investigation for the costs associated with processing fingerprints

1 submitted under this act. The balance of the money received under
2 this act shall be credited to the department of state police.

3 (6) The county sheriff on behalf of the concealed weapon
4 licensing board shall verify the requirements of subsection (7) (d),
5 (e), (f), (h), (i), (j), (k), (l), and (m) through the law
6 enforcement information network and report his or her finding to
7 the concealed weapon licensing board. If the applicant resides in a
8 city, village, or township that has a police department, the
9 concealed weapon licensing board shall contact that city, village,
10 or township police department to determine only whether that city,
11 village, or township police department has any information relevant
12 to the investigation of whether the applicant is eligible under
13 this act to receive a license to carry a concealed pistol. **THE**
14 **CONCEALED WEAPON LICENSING BOARD MAY REQUIRE A PERSON CLAIMING**
15 **ACTIVE DUTY STATUS WITH THE UNITED STATES ARMED FORCES UNDER THIS**
16 **SECTION TO PROVIDE PROOF OF 1 OR BOTH OF THE FOLLOWING:**

17 (A) **THE PERSON'S HOME OF RECORD.**

18 (B) **PERMANENT ACTIVE DUTY ASSIGNMENT IN THIS STATE.**

19 (7) The concealed weapon licensing board shall issue a license
20 to an applicant to carry a concealed pistol within the period
21 required under this act after the applicant properly submits an
22 application under subsection (1) and the concealed weapon licensing
23 board determines that all of the following circumstances exist:

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

25 (b) The applicant is a citizen of the United States or is an
26 alien lawfully admitted into the United States, is a **LEGAL** resident
27 of this state, and has resided in this state for not less than **THE**

1 6 months IMMEDIATELY PRECEDING THE DATE OF APPLICATION. The
2 concealed weapon licensing board may waive the 6-month residency
3 requirement for a temporary license under section 5a(8) if the
4 concealed weapon licensing board determines there is probable cause
5 to believe the safety of the applicant or the safety of a member of
6 the applicant's family is endangered by the applicant's inability
7 to immediately obtain a license to carry a concealed pistol. IF THE
8 APPLICANT HOLDS A VALID CONCEALED PISTOL LICENSE ISSUED BY ANOTHER
9 STATE AT THE TIME THE APPLICANT'S RESIDENCY IN THIS STATE IS
10 ESTABLISHED, THE CONCEALED WEAPON LICENSING BOARD MAY WAIVE THE 6-
11 MONTH WAITING PERIOD AND THE APPLICANT MAY APPLY FOR A CONCEALED
12 PISTOL LICENSE AT THE TIME THE APPLICANT'S RESIDENCY IN THIS STATE
13 IS ESTABLISHED. THE CONCEALED WEAPON LICENSING BOARD SHALL
14 IMMEDIATELY ISSUE A TEMPORARY LICENSE TO THAT APPLICANT. THE
15 TEMPORARY PERMIT SHALL BE VALID UNTIL THE CONCEALED WEAPON
16 LICENSING BOARD DECIDES WHETHER TO GRANT OR DENY THE APPLICATION.
17 FOR THE PURPOSES OF THIS SECTION, A PERSON SHALL BE CONSIDERED A
18 LEGAL RESIDENT OF THIS STATE IF ANY OF THE FOLLOWING APPLY:

19 (i) THE PERSON HAS A VALID, LAWFULLY OBTAINED MICHIGAN DRIVER
20 LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
21 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD
22 ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300.

23 (ii) THE PERSON IS LAWFULLY REGISTERED TO VOTE IN THIS STATE.

24 (iii) THE PERSON IS ON ACTIVE DUTY STATUS WITH THE UNITED STATES
25 ARMED FORCES AND IS STATIONED OUTSIDE OF THIS STATE, BUT THE
26 PERSON'S HOME OF RECORD IS IN THIS STATE.

27 (iv) THE PERSON IS ON ACTIVE DUTY STATUS WITH THE UNITED STATES

1 **ARMED FORCES AND IS PERMANENTLY STATIONED IN THIS STATE, BUT THE**
2 **PERSON'S HOME OF RECORD IS IN ANOTHER STATE.**

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

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

12 (i) Section 464a of the mental health code, 1974 PA 258, MCL
13 330.1464a.

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

16 (iii) Sections 2950 and 2950a of the revised judicature act of
17 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

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

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

10 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL
11 257.617a (failing to stop when involved in a personal injury
12 accident).

13 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
14 257.625, punishable as provided in subsection (9)(b) of that
15 section (operating while intoxicated, second offense).

16 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
17 MCL 257.625m punishable under subsection (4) of that section (~~drunk~~
18 ~~driving~~, **OPERATING** commercial vehicle **WHILE INTOXICATED, SECOND**
19 **OFFENSE**).

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

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

25 (vi) Section 185 of the aeronautics code of the state of
26 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under
27 the influence of intoxicating liquor or a controlled substance with

1 prior conviction).

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

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

8 (ix) Section 81134 of the natural resources and environmental
9 protection act, 1994 PA 451, MCL 324.81134, punishable under
10 subsection (5) or (6) of that section (operating ORV under the
11 influence of intoxicating liquor or a controlled substance, second
12 or subsequent offense).

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

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

24 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
25 333.7403.

26 (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,
27 MCL 462.353 (operating locomotive under the influence of

1 intoxicating liquor or a controlled substance, or while visibly
2 impaired), punishable under subsection (4) of that section.

3 (xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually
4 explicit matter to minors).

5 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
6 750.81 (assault or domestic assault).

7 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA
8 328, MCL 750.81a (aggravated assault or aggravated domestic
9 assault).

10 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
11 750.115 (**BREAKING AND ENTERING OR** entering without breaking).

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

14 (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL
15 750.145a (accosting, enticing, or soliciting a child for immoral
16 purposes).

17 (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL
18 750.145n (vulnerable adult abuse).

19 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA
20 328, MCL 750.157b (solicitation to commit a felony).

21 (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL
22 750.215 (impersonating peace officer or medical examiner).

23 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL
24 750.223 (illegal sale of a firearm or ammunition).

25 (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,
26 MCL 750.224d (illegal **USE OR** sale of a self-defense spray).

27 (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL

1 750.226a (sale or possession of a switchblade).

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

4 (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL
5 750.228 (failure to have a pistol inspected).

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

8 (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL
9 750.232 (failure to register the purchase of a firearm or a firearm
10 component).

11 (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL
12 750.232a (improperly obtaining a pistol, making a false statement
13 on an application to purchase a pistol, or using false
14 identification to purchase a pistol).

15 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL
16 750.233 (intentionally aiming a firearm without malice).

17 (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL
18 750.234 (intentionally discharging a firearm aimed without malice).

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

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

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

26 (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL
27 750.235 (intentionally discharging a firearm aimed without malice

1 causing injury).

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

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

7 (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL
8 750.237 (possessing a firearm while under the influence of
9 intoxicating liquor or a drug).

10 (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL
11 750.237a (weapon free school zone violation).

12 (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL
13 750.335a (indecent exposure).

14 (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL
15 750.411h (stalking).

16 **(xliii) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,**
17 **MCL 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT).**

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

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

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

26 **(xlvii) ~~(xlvi)~~**—A violation of a law of the United States, another
27 state, or a local unit of government of this state or another state

1 substantially corresponding to a violation described in
2 subparagraphs (i) to ~~(xiv)~~ **(xvi)** .

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

7 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
8 257.625 (operating under the influence).

9 (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,
10 MCL 257.625a (refusal of commercial vehicle ~~driver~~ **OPERATOR** to
11 submit to a chemical test).

12 (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,
13 MCL 257.625k (~~negligently fails to comply~~ **IGNITION INTERLOCK DEVICE**
14 **REPORTING VIOLATION**) .

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

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

20 (vi) Section 185 of the aeronautics code of the state of
21 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
22 influence).

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

26 (viii) Section 81135 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while

1 visibly impaired).

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

5 (x) Part 74 of the public health code, 1978 PA 368, MCL
6 333.7401 to 333.7461 (controlled ~~substances~~**SUBSTANCE VIOLATION**).

7 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
8 462.353 (operating locomotive under the influence), punishable
9 under subsection (3) of that section.

10 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
11 750.167 (disorderly person).

12 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
13 750.174 (embezzlement).

14 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
15 750.218 (false pretenses **WITH INTENT TO DEFRAUD**).

16 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
17 750.356 (larceny).

18 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
19 750.356d (**SECOND DEGREE** retail fraud).

20 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
21 750.359 (larceny-vacant building).

22 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
23 750.362 (larceny by conversion).

24 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
25 750.362a (**LARCENY**-defrauding lessor).

26 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL
27 750.377a (malicious destruction of property).

1 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
2 750.380 (malicious destruction of real property).

3 ~~(xxii) Section 479a of the Michigan penal code, 1931 PA 328, MCL~~
4 ~~750.479a (failure to obey police direction).~~

5 **(xxii)** ~~(xxiii)~~ Section 535 of the Michigan penal code, 1931 PA
6 328, MCL 750.535 (receiving stolen property).

7 **(xxiii)** ~~(xxiv)~~ Section 540e of the Michigan penal code, 1931 PA
8 328, MCL 750.540e (malicious use of telephones).

9 **(xxiv)** ~~(xxv)~~ A violation of a law of the United States, another
10 state, or a local unit of government of this state or another state
11 substantially corresponding to a violation described in
12 subparagraphs (i) to ~~(xxiv)~~ **(xxiii)**.

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

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

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

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

24 (n) Issuing a license to the applicant to carry a concealed
25 pistol in this state is not detrimental to the safety of the
26 applicant or to any other individual. A determination under this
27 subdivision shall be based on clear and convincing evidence of

1 repeated violations of this act, crimes, personal protection orders
2 or injunctions, or police reports or other clear and convincing
3 evidence of the actions of, or statements of, the applicant that
4 bear directly on the applicant's ability to carry a concealed
5 pistol.

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

17 (9) An individual, after submitting an application and paying
18 the fee prescribed under subsection (5), shall request and have
19 classifiable fingerprints taken by the county sheriff or a local
20 police agency if that local police agency maintains fingerprinting
21 capability. If the individual requests that classifiable
22 fingerprints be taken by a local police agency, the individual
23 shall also pay to that local police agency a fee of \$15.00 by any
24 method of payment accepted by the unit of local government for
25 payments of other fees and penalties. The county sheriff or local
26 police agency shall take the fingerprints within 5 business days
27 after the request.

1 (10) The fingerprints shall be taken, under subsection (9), on
2 forms and in a manner prescribed by the department of state police.
3 The fingerprints shall be immediately forwarded to the department
4 of state police for comparison with fingerprints already on file
5 with the department of state police. The department of state police
6 shall forward the fingerprints to the federal bureau of
7 investigation. Within 10 days after receiving a report of the
8 fingerprints from the federal bureau of investigation, the
9 department of state police shall provide a copy to the submitting
10 sheriff's department or local police agency as appropriate and the
11 clerk of the appropriate concealed weapon licensing board. Except
12 as provided in subsection (14), the concealed weapon licensing
13 board shall not issue a concealed pistol license until it receives
14 the fingerprint comparison report prescribed in this subsection.
15 The concealed weapon licensing board may deny a license if an
16 individual's fingerprints are not classifiable by the federal
17 bureau of investigation.

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

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

24 (13) Subject to subsections (10) and (14), the concealed
25 weapon licensing board shall issue or deny issuance of a license
26 within 45 days after the concealed weapon licensing board receives
27 the fingerprint comparison report provided under subsection (10).

1 If the concealed weapon licensing board denies issuance of a
2 license to carry a concealed pistol, the concealed weapon licensing
3 board shall within 5 business days do both of the following:

4 (a) Inform the applicant in writing of the reasons for the
5 denial. Information under this subdivision shall include all of the
6 following:

7 (i) A statement of the specific and articulable facts
8 supporting the denial.

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

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

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

1 issued that temporary license.

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

8 (16) If a concealed weapons licensing board suspends or
9 revokes a license issued under this act, the license is forfeited
10 and shall be returned to the concealed weapon licensing board
11 forthwith. **AN INDIVIDUAL WHO FAILS TO RETURN A LICENSE AS REQUIRED**
12 **UNDER THIS SUBSECTION AFTER HE OR SHE WAS NOTIFIED THAT HIS OR HER**
13 **LICENSE WAS SUSPENDED OR REVOKED IS GUILTY OF A MISDEMEANOR**
14 **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF**
15 **NOT MORE THAN \$500.00, OR BOTH.**

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

20 (18) This section does not prohibit the concealed weapon
21 licensing board from making public and distributing to the public
22 at no cost lists of individuals who are certified as qualified
23 instructors as prescribed under section 5j.

24 (19) As used in this section:

25 (a) "Convicted" means a final conviction, the payment of a
26 fine, a plea of guilty or nolo contendere if accepted by the court,
27 or a finding of guilt for a criminal law violation or a juvenile

1 adjudication or disposition by the juvenile division of probate
2 court or family division of circuit court for a violation that if
3 committed by an adult would be a crime.

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

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

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

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

22 **Sec. 5/. (1) A LICENSE TO CARRY A CONCEALED PISTOL ISSUED ON OR**
23 **AFTER JULY 1, 2003 BUT BEFORE JULY 1, 2006 IS VALID FOR 5 YEARS.**

24 **(2) ~~(1)~~—A license to carry a concealed pistol ISSUED OR**
25 **RENEWED ON OR AFTER JULY 1, 2006** is valid until the applicant's
26 date of birth that falls not less than 4 years or more than 5 years
27 after the license is issued **OR RENEWED, AS APPLICABLE.** Except as

1 provided in subsections ~~(6)~~—(7) and ~~(7)~~—(8), a renewal of a license
2 under section 5b shall, except as provided in this section, be
3 issued in the same manner as an original license issued under
4 section 5b.

5 (3) ~~(2)~~—The concealed weapon licensing board shall issue or
6 deny issuance of a renewal license within 60 days after the
7 application for renewal is properly submitted. The county clerk
8 shall issue the applicant a receipt for his or her renewal
9 application at the time the application is submitted. The receipt
10 shall contain all of the following:

11 (a) The name of the applicant.

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

13 (c) The amount paid.

14 (d) A statement that the receipt is for a license renewal.

15 (e) A statement of whether the applicant qualifies for an
16 extension under subsection ~~(3)~~—(4).

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

18 (g) An impression of the county seal.

19 (4) ~~(3)~~—If the concealed weapon licensing board fails to deny
20 or issue a renewal license to the person within 60 days as required
21 under subsection ~~(2)~~—(3), the expiration date of the current
22 license is extended by 180 days or until the renewal license is
23 issued, whichever occurs first. This subsection does not apply
24 unless the person pays the renewal fee at the time the renewal
25 application is submitted and the person has submitted a receipt
26 from a police agency that confirms that a background check has been
27 requested by the applicant.

1 (5) ~~(4)~~—A person carrying a concealed pistol after the
2 expiration date of his or her license pursuant to an extension
3 under subsection ~~(3)~~—(4) shall keep the receipt issued by the
4 county clerk under subsection ~~(2)~~—(3) and his or her expired
5 license in his or her possession at all times that he or she is
6 carrying the pistol. For the purposes of this act, the receipt is
7 considered to be part of the license to carry a concealed pistol
8 until a renewal license is issued or denied. Failing to have the
9 receipt and expired license in possession while carrying a
10 concealed pistol or failing to display the receipt to a peace
11 officer upon request is a violation of this act.

12 (6) ~~(5)~~—The educational requirements under section 5b(7)(c)
13 are waived for an applicant who is a retired police officer or
14 retired law enforcement officer.

15 (7) ~~(6)~~—The educational requirements under section 5b(7)(c)
16 for an applicant who is applying for a renewal of a license under
17 this act are waived except that the applicant shall certify that he
18 or she has completed at least 3 hours' review of the training
19 described under section 5b(7)(c) and has had at least 1 hour of
20 firing range time in the 6 months immediately preceding the
21 subsequent application.

22 (8) ~~(7)~~—Beginning January 1, 2007, an applicant who is
23 applying for a renewal of a license issued under section 5b is not
24 required to have fingerprints taken again under section 5b(9) if
25 all of the following conditions have been met:

26 (a) There has been established a system for the department of
27 state police to save and maintain in its automated fingerprint

1 identification system (AFIS) database all fingerprints that are
2 submitted to the department of state police under section 5b.

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

7 Sec. 5o. (1) Subject to subsection (4), an individual licensed
8 under this act to carry a concealed pistol, or who is exempt from
9 licensure under section 12a(f), shall not carry a concealed pistol
10 on the premises of any of the following:

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

18 (b) A public or private child care center or day care center,
19 public or private child caring institution, or public or private
20 child placing agency.

21 (c) A sports arena or stadium.

22 (d) A bar or tavern licensed under the Michigan liquor control
23 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
24 primary source of income of the business is the sale of alcoholic
25 liquor by the glass and consumed on the premises. This subdivision
26 ~~shall~~**DOES** not apply to an owner or employee of the business. The
27 Michigan liquor control commission shall develop and make available

1 to holders of licenses under the Michigan liquor control code of
2 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
3 stating that "This establishment prohibits patrons from carrying
4 concealed weapons". The owner or operator of an establishment
5 licensed under the Michigan liquor control code of 1998, 1998 PA
6 58, MCL 436.1101 to 436.2303, may, but ~~shall~~**IS** not ~~be~~ required to,
7 post the sign developed under this subdivision. A record made
8 available by an establishment licensed under the Michigan liquor
9 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303,
10 necessary to enforce this subdivision is exempt from disclosure
11 under the freedom of information act, 1976 PA 442, MCL 15.231 to
12 15.246.

13 (e) Any property or facility owned or operated by a church,
14 synagogue, mosque, temple, or other place of worship, unless the
15 presiding official or officials of the church, synagogue, mosque,
16 temple, or other place of worship permit the carrying of concealed
17 pistol on that property or facility.

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

23 (g) A hospital.

24 (h) A dormitory or classroom of a community college, college,
25 or university.

26 (2) An individual licensed under this act to carry a concealed
27 pistol, or who is exempt from licensure under section 12a(f), shall

1 not carry a concealed pistol in violation of R 432.1212 or a
 2 successor rule of the Michigan administrative code promulgated
 3 pursuant to ~~UNDER~~ the Michigan gaming control and revenue act, the
 4 ~~Initiated Law of 1996 IL 1~~, MCL 432.201 to 432.226.

5 (3) As used in subsection (1), "premises" does not include
 6 parking areas of the places identified under subsection (1).

7 (4) Subsection (1) does not apply to any of the following:

8 (a) An individual licensed under this act who is a retired
 9 police officer or retired law enforcement officer. The concealed
 10 weapon licensing board may require a letter from the law
 11 enforcement agency stating that the retired police officer or law
 12 enforcement officer retired in good standing.

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

18 (c) An individual who is licensed as a private investigator or
 19 private detective under the private detective license act, 1965 PA
 20 285, MCL 338.821 to 338.851.

21 ~~— (d) Any of the following who is licensed under this act while~~
 22 ~~on duty and in the course of his or her employment:~~

23 ~~— (i) A corrections officer of a county sheriff's department.~~

24 ~~— (ii) A motor carrier officer or capitol security officer of the~~
 25 ~~department of state police.~~

26 ~~— (iii) A member of a sheriff's posse.~~

27 ~~— (iv) An auxiliary officer or reserve officer of a police or~~

1 ~~sheriff's department.~~

2 ~~—— (v) A parole or probation officer of the department of~~
3 ~~corrections.~~

4 (D) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A
5 CORRECTIONS OFFICER OF A COUNTY SHERIFF'S DEPARTMENT.

6 (E) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A
7 MOTOR CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF THE DEPARTMENT
8 OF STATE POLICE.

9 (F) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A
10 MEMBER OF A SHERIFF'S POSSE.

11 (G) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS AN
12 AUXILIARY OFFICER OR RESERVE OFFICER OF A POLICE OR SHERIFF'S
13 DEPARTMENT.

14 (H) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A
15 PAROLE OR PROBATION OFFICER OF THE DEPARTMENT OF CORRECTIONS.

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

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

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

26 (c) For a third or subsequent violation, the individual is
27 guilty of a felony punishable by imprisonment for not more than 4

1 years or a fine of not more than \$5,000.00, or both. The court
2 shall order the individual's license to carry a concealed pistol
3 revoked.

4 Sec. 8. (1) The concealed weapon licensing board that issued a
5 license to an ~~applicant~~ **INDIVIDUAL** to carry a concealed pistol may
6 revoke that license if the board determines that the individual
7 committed any violation of this act other than a violation of
8 section 5f(4). ~~or if the board determines that the individual is~~
9 ~~not eligible under this act to receive a license to carry a~~
10 ~~concealed pistol.~~ If the board determines that the individual has
11 been found responsible for 3 or more state civil infraction
12 violations of this act during the license period, the board shall
13 conduct a hearing and may suspend the individual's license for not
14 more than 1 year.

15 (2) Except as provided in subsections (3), ~~and~~ (4), **AND (5)**, a
16 license shall not be revoked under this section except upon written
17 complaint and an opportunity for a hearing before the board. The
18 board shall give the individual at least 10 days' notice of a
19 hearing under this section. The notice shall be by personal service
20 or by certified mail delivered to the individual's last known
21 address.

22 (3) If the concealed weapon licensing board is notified by a
23 law enforcement agency or prosecuting official that an individual
24 licensed to carry a concealed pistol is charged with a felony or
25 misdemeanor as defined in this act, the concealed weapon licensing
26 board shall immediately suspend the individual's license until
27 there is a final disposition of the charge for that offense and

1 send notice of that suspension to the individual's last known
2 address as indicated in the records of the concealed weapon
3 licensing board. The notice shall inform the individual that he or
4 she is entitled to a prompt hearing on the suspension, and the
5 concealed weapon licensing board shall conduct a prompt hearing if
6 requested in writing by the individual. The requirements of
7 subsection (2) do not apply to this subsection.

8 **(4) THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED A LICENSE**
9 **TO AN INDIVIDUAL TO CARRY A CONCEALED PISTOL SHALL REVOKE THAT**
10 **LICENSE IF THE BOARD DETERMINES THAT THE INDIVIDUAL IS NOT ELIGIBLE**
11 **UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.**

12 (5) ~~(4)~~—If the concealed weapon licensing board determines by
13 clear and convincing evidence based on specific articulable facts
14 that the applicant poses a danger to the applicant or to any other
15 person, the concealed weapon licensing board shall immediately
16 suspend the individual's license pending a revocation hearing under
17 this section. The concealed weapon licensing board shall send
18 notice of the suspension to the individual's last known address as
19 indicated in the records of the concealed weapon licensing board.
20 The notice shall inform the individual that he or she is entitled
21 to a prompt hearing on the suspension, and the concealed weapon
22 licensing board shall conduct a prompt hearing if requested in
23 writing by the individual. The requirements of subsection (2) do
24 not apply to this subsection.

25 (6) ~~(5)~~—If the concealed weapon licensing board orders a
26 license suspended or revoked under this section or amends a
27 suspension or revocation order, the concealed weapon licensing

1 board shall immediately notify a law enforcement agency having
2 jurisdiction in the county in which the concealed weapon licensing
3 board is located to enter the order or amended order into the law
4 enforcement information network. A law enforcement agency that
5 receives notice of an order or amended order under this subsection
6 from a concealed weapon licensing board shall immediately enter the
7 order or amended order into the law enforcement information network
8 as requested by that concealed weapon licensing board.

9 (7) ~~(6)~~—A suspension or revocation order or amended order
10 issued under this section is immediately effective. However, an
11 individual is not criminally liable for violating the order or
12 amended order unless he or she has received notice of the order or
13 amended order.

14 (8) ~~(7)~~—If an individual is carrying a pistol in violation of
15 a suspension or revocation order or amended order issued under this
16 section but has not previously received notice of the order or
17 amended order, the individual shall be informed of the order or
18 amended order and be given an opportunity to properly store the
19 pistol or otherwise comply with the order or amended order before
20 an arrest is made for carrying the pistol in violation of this act.

21 (9) ~~(8)~~—If a law enforcement agency or officer notifies an
22 individual of a suspension or revocation order or amended order
23 issued under this section who has not previously received notice of
24 the order or amended order, the law enforcement agency or officer
25 shall enter a statement into the law enforcement information
26 network that the individual has received notice of the order or
27 amended order under this section.

1 (10) ~~(9)~~—The clerk of the concealed weapon licensing board is
2 authorized to administer an oath to any individual testifying
3 before the board at a hearing under this section.

4 Sec. 9. (1) ~~A—EXCEPT AS PROVIDED IN SUBSECTION (2),~~ A person
5 within the state who owns or comes into possession of a pistol
6 shall, if he or she resides in a city, township, or village having
7 an organized police department, present the pistol for safety
8 inspection to the commissioner or chief of police of the city,
9 township, or village police department or to a duly authorized
10 deputy of the commissioner or chief of police. If that person
11 resides in a part of the county not included within a city,
12 township, or village having an organized police department, he or
13 she shall present the pistol for safety inspection to the sheriff
14 of the county or to a duly authorized deputy of the sheriff. If the
15 person presenting the pistol is eligible to possess a pistol under
16 section 2(1), a certificate of inspection shall be issued in
17 triplicate on a form provided by the director of the department of
18 state police, containing the name, age, address, description, and
19 signature of the person presenting the pistol for inspection,
20 together with a full description of the pistol. The original of the
21 certificate shall be delivered to the registrant. The duplicate of
22 the certificate shall be mailed within 48 hours to the director of
23 the department of state police and filed and indexed by the
24 department and kept as a permanent official record. The triplicate
25 of the certificate shall be retained and filed in the office of the
26 sheriff, commissioner, or chief of police. This section does not
27 apply to a wholesale or retail dealer in firearms who regularly

1 engages in the business of selling pistols at retail, or to a
2 person who holds a collection of pistols kept for the purpose of
3 display as relics or curios and that are not made for modern
4 ammunition or are permanently deactivated.

5 **(2) THIS SECTION DOES NOT APPLY TO A PISTOL BROUGHT INTO THIS**
6 **STATE BY A NONRESIDENT UNDER SECTION 2(8).**

7 **(3)** ~~(2)~~—A person who presents a pistol for a safety inspection
8 under subsection (1) shall ensure that the pistol is unloaded and
9 that the pistol is equipped with a trigger lock or other disabling
10 mechanism or encased when the pistol is presented for inspection. A
11 person who violates this subsection is responsible for a state
12 civil infraction and may be ordered to pay a civil fine of not more
13 than \$50.00.