

HOUSE BILL No. 5328

February 13, 2014, Introduced by Reps. Cotter, Nesbitt, McBroom, Rendon, Jenkins, Pettalia, Crawford, LaVoy, MacGregor, Lauwers, Pscholka, MacMaster, Heise, Schmidt, Dianda and Kivela 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, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 5b (MCL 28.425b), as amended by 2008 PA 406.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
2 an individual shall apply to the concealed weapon licensing board
3 in the county in which that individual resides. The application
4 shall be filed with the county clerk during the county clerk's

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

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

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

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

1 ~~personal identifying information received by the concealed weapon~~
2 ~~licensing board under this subdivision is confidential, is not~~
3 ~~subject to disclosure under the freedom of information act, 1976 PA~~
4 ~~442, MCL 15.231 to 15.246, and shall not be disclosed to any person~~
5 ~~except for purposes of this act or for law enforcement purposes or~~
6 ~~if the applicant is convicted of a felony involving a pistol.~~

7 (d) A statement by the applicant regarding whether he or she
8 has a history of mental illness that would disqualify him or her
9 under subsection (7)(j) to (l) from receiving a license to carry a
10 concealed pistol, and authorizing the concealed weapon licensing
11 board to access the mental health records of the applicant relating
12 to his or her mental health history. The applicant may request that
13 information received by the concealed weapon licensing board under
14 this subdivision be reviewed in a closed session. If the applicant
15 requests that the session be closed, the concealed weapon licensing
16 board shall close the session only for purposes of this
17 subdivision. The applicant and his or her representative have the
18 right to be present in the closed session. ~~Medical records and~~
19 ~~personal identifying information received by the concealed weapon~~
20 ~~licensing board under this subdivision is confidential, is not~~
21 ~~subject to disclosure under the freedom of information act, 1976 PA~~
22 ~~442, MCL 15.231 to 15.246, and shall not be disclosed to any person~~
23 ~~except for purposes of this act or for law enforcement purposes.~~

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

27 (i) Any felony.

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

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

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

8 (h) The names, residential addresses, and telephone numbers of
9 2 individuals who are references for the applicant. ~~Information~~
10 ~~received under this subdivision is confidential, is not subject to~~
11 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
12 ~~15.231 to 15.246, and shall not be disclosed to any person except~~
13 ~~for purposes of this act or for law enforcement purposes.~~

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

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

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

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

27 (4) The concealed weapon licensing board shall retain a copy

1 of each application for a license to carry a concealed pistol as an
2 official record. One year after the expiration of a concealed
3 pistol license, the county clerk may destroy the record and
4 maintain only a name index of the record.

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

24 (6) The county sheriff on behalf of the concealed weapon
25 licensing board shall verify the requirements of subsection (7) (d),
26 (e), (f), (h), (i), (j), (k), (l), and (m) through the law
27 enforcement information network and report his or her finding to

1 the concealed weapon licensing board. If the applicant resides in a
2 city, village, or township that has a police department, the
3 concealed weapon licensing board shall contact that city, village,
4 or township police department to determine only whether that city,
5 village, or township police department has any information relevant
6 to the investigation of whether the applicant is eligible under
7 this act to receive a license to carry a concealed pistol. The
8 concealed weapon licensing board may require a person claiming
9 active duty status with the United States armed forces under this
10 section to provide proof of 1 or both of the following:

11 (a) The person's home of record.

12 (b) Permanent active duty assignment in this state.

13 (7) The concealed weapon licensing board shall issue a license
14 to an applicant to carry a concealed pistol within the period
15 required under this act after the applicant properly submits an
16 application under subsection (1) and the concealed weapon licensing
17 board determines that all of the following circumstances exist:

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

19 (b) The applicant is a citizen of the United States or is an
20 alien lawfully admitted into the United States, is a legal resident
21 of this state, and has resided in this state for not less than the
22 6 months immediately preceding the date of application. The
23 concealed weapon licensing board may waive the 6-month residency
24 requirement for a temporary license under section 5a(8) if the
25 concealed weapon licensing board determines there is probable cause
26 to believe the safety of the applicant or the safety of a member of
27 the applicant's family is endangered by the applicant's inability

1 to immediately obtain a license to carry a concealed pistol. If the
2 applicant holds a valid concealed pistol license issued by another
3 state at the time the applicant's residency in this state is
4 established, the concealed weapon licensing board may waive the 6-
5 month waiting period and the applicant may apply for a concealed
6 pistol license at the time the applicant's residency in this state
7 is established. The concealed weapon licensing board shall
8 immediately issue a temporary license to that applicant. The
9 temporary license ~~shall be~~ **IS** valid until the concealed weapon
10 licensing board decides whether to grant or deny the application.
11 For the purposes of this section, a person shall be considered a
12 legal resident of this state if any of the following apply:

13 (i) The person has a valid, lawfully obtained Michigan driver
14 license issued under the Michigan vehicle code, 1949 PA 300, MCL
15 257.1 to 257.923, or official state personal identification card
16 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

24 (c) The applicant has knowledge and has had training in the
25 safe use and handling of a pistol by the successful completion of a
26 pistol safety training course or class that meets the requirements
27 of section 5j, and that is available to the general public and

1 presented by a law enforcement agency, junior or community college,
2 college, or public or private institution or organization or
3 firearms training school.

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

6 (i) Section 464a of the mental health code, 1974 PA 258, MCL
7 330.1464a.

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

10 (iii) Sections 2950 and 2950a of the revised judicature act of
11 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

12 (iv) Section 6b of chapter V of the code of criminal procedure,
13 1927 PA 175, MCL 765.6b, if the order has a condition imposed
14 ~~pursuant to~~ **UNDER** section 6b(3) of chapter V of the code of
15 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

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

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

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

4 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL
5 257.617a (failing to stop when involved in a personal injury
6 accident).

7 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
8 257.625, punishable as provided in subsection (9)(b) of that
9 section (operating while intoxicated, second offense).

10 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
11 MCL 257.625m punishable under subsection (4) of that section
12 (operating a commercial vehicle with alcohol content, second
13 offense).

14 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL
15 257.626 (reckless driving).

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

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

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

26 (viii) Section 10 of the motor fuels quality act, 1984 PA 44,
27 MCL 290.650 (hindering, obstructing, assaulting, or committing

1 bodily injury upon director or authorized representative).

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

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

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

18 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
19 333.7403.

20 (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,
21 MCL 462.353 (operating locomotive under the influence of
22 intoxicating liquor or a controlled substance, or while visibly
23 impaired), punishable under subsection (4) of that section.

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

26 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
27 750.81 (assault or domestic assault).

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

4 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
5 750.115 (breaking and entering or entering without breaking).

6 (xviii) Section ~~136b(6)~~**136B(7)** of the Michigan penal code, 1931
7 PA 328, MCL 750.136b (fourth degree child abuse).

8 (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL
9 750.145a (accosting, enticing, or soliciting a child for immoral
10 purposes).

11 (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL
12 750.145n (vulnerable adult abuse).

13 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA
14 328, MCL 750.157b (solicitation to commit a felony).

15 (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL
16 750.215 (impersonating peace officer or medical examiner).

17 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL
18 750.223 (illegal sale of a firearm or ammunition).

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

21 (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL
22 750.226a (sale or possession of a switchblade).

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

25 (xxvii) ~~Section~~**FORMER SECTION** 228 of the Michigan penal code,
26 1931 PA 328, ~~MCL 750.228~~ (failure to have a pistol inspected).

27 (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,

1 MCL 750.229 (accepting a pistol in pawn).

2 (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL
3 750.232 (failure to register the purchase of a firearm or a firearm
4 component).

5 (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL
6 750.232a (improperly obtaining a pistol, making a false statement
7 on an application to purchase a pistol, or using false
8 identification to purchase a pistol).

9 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL
10 750.233 (intentionally aiming a firearm without malice).

11 (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL
12 750.234 (intentionally discharging a firearm aimed without malice).

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

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

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

20 (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL
21 750.235 (intentionally discharging a firearm aimed without malice
22 causing injury).

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

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

1 (*xxxix*) Section 237 of the Michigan penal code, 1931 PA 328, MCL
2 750.237 (possessing a firearm while under the influence of
3 intoxicating liquor or a drug).

4 (*xl*) Section 237a of the Michigan penal code, 1931 PA 328, MCL
5 750.237a (weapon free school zone violation).

6 (*xli*) Section 335a of the Michigan penal code, 1931 PA 328, MCL
7 750.335a (indecent exposure).

8 (*xlii*) Section 411h of the Michigan penal code, 1931 PA 328, MCL
9 750.411h (stalking).

10 (*xliii*) Section 520e of the Michigan penal code, 1931 PA 328, MCL
11 750.520e (fourth degree criminal sexual conduct).

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

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

16 (*xlvi*) Section 3a of 1952 PA 45, MCL 752.863a (reckless
17 discharge of a firearm).

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

22 (*i*) The applicant has not been convicted of a misdemeanor
23 violation of any of the following in the 3 years immediately
24 preceding the date of application unless the misdemeanor violation
25 is listed under subdivision (*h*):

26 (*i*) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
27 257.625 (operating under the influence).

1 (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,
2 MCL 257.625a (refusal of commercial vehicle operator to submit to a
3 chemical test).

4 (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,
5 MCL 257.625k (ignition interlock device reporting violation).

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

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

11 (vi) Section 185 of the aeronautics code of the state of
12 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
13 influence).

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

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

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

23 (x) Part 74 of the public health code, 1978 PA 368, MCL
24 333.7401 to 333.7461 (controlled substance violation).

25 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
26 462.353 (operating locomotive under the influence), punishable
27 under subsection (3) of that section.

1 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
2 750.167 (disorderly person).

3 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
4 750.174 (embezzlement).

5 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
6 750.218 (false pretenses with intent to defraud).

7 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
8 750.356 (larceny).

9 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
10 750.356d (second degree retail fraud).

11 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
12 750.359 (larceny-vacant building).

13 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
14 750.362 (larceny by conversion).

15 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
16 750.362a (larceny-defrauding lessor).

17 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL
18 750.377a (malicious destruction of property).

19 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
20 750.380 (malicious destruction of real property).

21 (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL
22 750.535 (receiving stolen property).

23 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,
24 MCL 750.540e (malicious use of telephones).

25 (xxiv) A violation of a law of the United States, another
26 state, or a local unit of government of this state or another state
27 substantially corresponding to a violation described in

1 subparagraphs (i) to (xiii).

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

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

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

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

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

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

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

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

17 (10) The fingerprints shall be taken, under subsection (9), on
18 forms and in a manner prescribed by the department of state police.
19 The fingerprints shall be immediately forwarded to the department
20 of state police for comparison with fingerprints already on file
21 with the department of state police. The department of state police
22 shall forward the fingerprints to the federal bureau of
23 investigation. Within 10 days after receiving a report of the
24 fingerprints from the federal bureau of investigation, the
25 department of state police shall provide a copy to the submitting
26 sheriff's department or local police agency as appropriate and the
27 clerk of the appropriate concealed weapon licensing board. Except

1 as provided in subsection (14), the concealed weapon licensing
2 board shall not issue a concealed pistol license until it receives
3 the fingerprint comparison report prescribed in this subsection.
4 The concealed weapon licensing board may deny a license if an
5 individual's fingerprints are not classifiable by the federal
6 bureau of investigation.

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

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

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

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

23 (i) A statement of the specific and articulable facts
24 supporting the denial.

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

27 (b) Inform the applicant in writing of his or her right to

1 appeal the denial to the circuit court as provided in section 5d.

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

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

24 (16) If a concealed weapons licensing board suspends or
25 revokes a license issued under this act, the license is forfeited
26 and shall be returned to the concealed weapon licensing board
27 forthwith. An individual who fails to return a license as required

1 under this subsection after he or she was notified that his or her
2 license was suspended or revoked is guilty of a misdemeanor
3 punishable by imprisonment for not more than 93 days or a fine of
4 not more than \$500.00, or both.

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

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

13 (19) As used in this section:

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

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

25 (c) "Mental illness" means a substantial disorder of thought
26 or mood that significantly impairs judgment, behavior, capacity to
27 recognize reality, or ability to cope with the ordinary demands of

1 life, and includes, but is not limited to, clinical depression.

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

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

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 97th Legislature are
13 enacted into law:

14 (a) Senate Bill No. ____ or House Bill No. 5325 (request no.
15 04850'14).

16 (b) Senate Bill No. ____ or House Bill No. 5327 (request no.
17 04851'14).

18 (c) Senate Bill No. ____ or House Bill No. 5324 (request no.
19 04852'14).

20 (d) House Bill No. 4155.

21 (e) Senate Bill No. ____ or House Bill No. 5326 (request no.
22 04854'14).

23 (f) Senate Bill No. 49.

24 (g) Senate Bill No. ____ or House Bill No. 5329 (request no.
25 00974'13 a).