

# HOUSE BILL No. 5689

June 12, 2014, Introduced by Rep. Hobbs 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 sections 2, 2b, and 5b (MCL 28.422, 28.422b, and 28.425b), section 2 as amended by 2012 PA 377, section 2b as amended by 2001 PA 199, and section 5b as amended by 2008 PA 406.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) Except as otherwise provided in this act, a person  
2 shall not purchase, carry, possess, or transport a pistol in this

1 state without first having obtained a license for the pistol as  
2 prescribed in this section.

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

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

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

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

27 (ii) Section 5107 of the estates and protected individuals

code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.

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

(iv) Section 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950a.

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

(vi) Section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, if the order has a condition imposed under section 6b(3) of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.

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

**(viii) THE GUN VIOLENCE RESTRAINING ORDER ACT.**

(b) The person is 18 years of age or older or, if the seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The person is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, a person ~~shall be~~ **IS** considered a legal resident of this state if any of the following apply:

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

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

(iii) The person is on active duty status with the United States

1 armed forces and is stationed outside of this state, but the  
2 person's home of record is in this state.

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

6 (d) A felony charge or a criminal charge listed in section 5b  
7 against the person is not pending at the time of application.

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

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

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

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

21 (4) ~~Applications~~ **AN APPLICANT SHALL SIGN APPLICATIONS** for  
22 licenses under this section ~~shall be signed by the applicant under~~  
23 oath upon forms provided by the director of the department of state  
24 police. Licenses to purchase, carry, possess, or transport pistols  
25 shall be executed in triplicate upon forms provided by the director  
26 of the department of state police and shall be signed by the  
27 licensing authority. ~~Three~~ **THE LICENSING AUTHORITY SHALL DELIVER 3**

1 copies of the license ~~shall be delivered to the applicant. by the~~  
2 ~~licensing authority.~~ A license is void unless used within 30 days  
3 after the date it is issued.

4 (5) If an individual purchases or otherwise acquires a pistol,  
5 the seller shall fill out the license forms describing the pistol,  
6 together with the date of sale or acquisition, and sign his or her  
7 name in ink indicating that the pistol was sold to or otherwise  
8 acquired by the purchaser. The purchaser shall also sign his or her  
9 name in ink indicating the purchase or other acquisition of the  
10 pistol from the seller. The seller may retain a copy of the license  
11 as a record of the transaction. The purchaser shall receive 2  
12 copies of the license. The purchaser shall return 1 copy of the  
13 license to the licensing authority within 10 days after the date  
14 the pistol is purchased or acquired. The return of the copy to the  
15 licensing authority may be made in person or may be made by first-  
16 class mail or certified mail sent within the 10-day period to the  
17 proper address of the licensing authority. A purchaser who fails to  
18 comply with the requirements of this subsection is responsible for  
19 a state civil infraction and may be fined not more than \$250.00. If  
20 a purchaser is found responsible for a state civil infraction under  
21 this subsection, the court shall notify the department of state  
22 police of that determination.

23 (6) Within 10 days after receiving the license copy returned  
24 under subsection (5), the licensing authority shall electronically  
25 enter the information into the pistol entry database as required by  
26 the department of state police if it has the ability to  
27 electronically enter that information. If the licensing authority

1 does not have that ability, the licensing authority shall provide  
2 that information to the department of state police in a manner  
3 otherwise required by the department of state police. Any licensing  
4 authority that provided pistol descriptions to the department of  
5 state police under former section 9 of this act shall continue to  
6 provide pistol descriptions to the department of state police under  
7 this subsection. Within 48 hours after entering or otherwise  
8 providing the information on the license copy returned under  
9 subsection (5) to the department of state police, the licensing  
10 authority shall forward the copy of the license to the department  
11 of state police. The purchaser has the right to obtain a copy of  
12 the information placed in the pistol entry database under this  
13 subsection to verify the accuracy of that information. The  
14 licensing authority may charge a fee not to exceed \$1.00 for the  
15 cost of providing the copy. The licensee may carry, use, possess,  
16 and transport the pistol for 30 days beginning on the date of  
17 purchase or acquisition only while he or she is in possession of  
18 his or her copy of the license. However, the person is not required  
19 to have the license in his or her possession while carrying, using,  
20 possessing, or transporting the pistol after this period.

21 (7) This section does not apply to the purchase of pistols  
22 from wholesalers by dealers regularly engaged in the business of  
23 selling pistols at retail, or to the sale, barter, or exchange of  
24 pistols kept as relics or curios not made for modern ammunition or  
25 permanently deactivated. This section does not prevent the transfer  
26 of ownership of pistols that are inherited if the license to  
27 purchase is approved by the commissioner or chief of police,

1 sheriff, or their authorized deputies, and signed by the personal  
2 representative of the estate or by the next of kin having authority  
3 to dispose of the pistol.

4 (8) An individual who is not a resident of this state is not  
5 required to obtain a license under this section if all of the  
6 following conditions apply:

7 (a) The individual is licensed in his or her state of  
8 residence to purchase, carry, or transport a pistol.

9 (b) The individual is in possession of the license described  
10 in subdivision (a).

11 (c) The individual is the owner of the pistol he or she  
12 possesses, carries, or transports.

13 (d) The individual possesses the pistol for a lawful purpose.  
14 ~~as that term is defined in section 231a of the Michigan penal code,~~  
15 ~~1931 PA 328, MCL 750.231a.~~

16 (e) The individual is in this state for a period of 180 days  
17 or less and does not intend to establish residency in this state.

18 (9) An individual who is a nonresident of this state shall  
19 present the license described in subsection (8)(a) upon the demand  
20 of a police officer. An individual who violates this subsection is  
21 guilty of a misdemeanor punishable by imprisonment for not more  
22 than 90 days or a fine of not more than \$100.00, or both.

23 (10) The licensing authority may require a person claiming  
24 active duty status with the United States armed forces to provide  
25 proof of 1 or both of the following:

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

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

1           (11) This section does not apply to a person who is younger  
2 than the age required under subsection (3)(b) and who possesses a  
3 pistol if all of the following conditions apply:

4           (a) The person is not otherwise prohibited from possessing  
5 that pistol.

6           (b) The person is at a recognized target range.

7           (c) The person possesses the pistol for the purpose of target  
8 practice or instruction in the safe use of a pistol.

9           (d) The person's parent or guardian is physically present and  
10 supervising the person.

11           (e) The owner of the pistol is physically present.

12           (12) This section does not apply to a person who possesses a  
13 pistol if all of the following conditions apply:

14           (a) The person is not otherwise prohibited from possessing a  
15 pistol.

16           (b) The person is at a recognized target range or shooting  
17 facility.

18           (c) The person possesses the pistol for the purpose of target  
19 practice or instruction in the safe use of a pistol.

20           (d) The owner of the pistol is physically present and  
21 supervising the use of the pistol.

22           (13) A person who forges any matter on an application for a  
23 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           (14) A licensing authority shall implement this section during  
27 all of the licensing authority's normal business hours and shall



1 set hours for implementation that allow an applicant to use the  
2 license within the time period set forth in subsection (4).

3 Sec. 2b. (1) Except as provided in subsection (6), upon entry  
4 of an order or disposition into the law enforcement information  
5 network under any provision of law described in section 2(3)(a),  
6 the department of state police shall immediately send written  
7 notice of that entry to the person who is the subject of the order  
8 or disposition. The notice shall be sent by first-class mail to the  
9 last known address of the person. The notice shall include at least  
10 all of the following:

11 (a) The name of the person.

12 (b) The date the order or disposition was entered into the law  
13 enforcement information network.

14 (c) A statement that the person cannot obtain a license to  
15 purchase a pistol or obtain a concealed weapon license until the  
16 order or disposition is removed from the law enforcement  
17 information network.

18 (d) A statement that the person may request that the state  
19 police correct or expunge inaccurate information entered into the  
20 law enforcement information network.

21 (2) A person who is the subject of an order entered into the  
22 law enforcement information network under any provision of law  
23 described in section 2(3)(a) may request that the department of  
24 state police do either of the following:

25 (a) Amend an inaccuracy in the information entered into the  
26 law enforcement information network under any provision of law  
27 described in section 2(3)(a).

1 (b) Expunge the person's name and other information concerning  
2 the person from the law enforcement information network regarding 1  
3 or more specific entries in the law enforcement information network  
4 under any provision of law described in section 2(3)(a) because 1  
5 or more of the following circumstances exist:

6 (i) The person is not subject to an order of involuntary  
7 commitment in an inpatient or outpatient setting due to mental  
8 illness.

9 (ii) The person is not subject to an order or disposition  
10 determining that the person is legally incapacitated.

11 (iii) The person is not subject to a personal protection order  
12 issued under any of the following:

13 (A) Section 2950 of the revised judicature act of 1961, 1961  
14 PA 236, MCL 600.2950.

15 (B) Section 2950a of the revised judicature act of 1961, 1961  
16 PA 236, MCL 600.2950a.

17 (C) Section 14 of 1846 RS 84, MCL 552.14.

18 (iv) The person is not subject to an order for release subject  
19 to protective conditions that prohibits the purchase or possession  
20 of a firearm by the person issued under section 6b of chapter V of  
21 the code of criminal procedure, 1927 PA 175, MCL 765.6b.

22 (v) **THE PERSON IS NOT SUBJECT TO AN ORDER ISSUED UNDER THE GUN**  
23 **VIOLENCE RESTRAINING ORDER ACT.**

24 (3) Before the expiration of 30 days after a request is made  
25 to amend an inaccuracy in the law enforcement information network  
26 under subsection (2)(a) or to expunge 1 or more specific entries  
27 from the law enforcement information network under subsection

1 (2)(b)(i) to (iv), the department of state police shall conduct an  
2 investigation concerning the accuracy of the information contained  
3 in the law enforcement information network, either grant or deny  
4 the request, and provide the person with written notice of that  
5 grant or denial. ~~A notice of denial~~ **THE DEPARTMENT OF STATE POLICE**  
6 shall include **IN A NOTICE OF DENIAL** a statement specifying the  
7 basis of the denial, and that a person may appeal the denial  
8 pursuant to the administrative procedures act of 1969, 1969 PA 306,  
9 MCL 24.201 to 24.328.

10 (4) If the department of state police ~~refuses~~ **DENIES** a request  
11 by a person for amendment or expunction under subsection (2), or  
12 fails to act within 30 days after receiving the request under  
13 subsection (2), the person may request a hearing before a hearing  
14 officer appointed by the department of state police for a  
15 determination of whether information entered into the law  
16 enforcement information network should be amended or expunged  
17 because it is inaccurate or false. The department of state police  
18 shall conduct the hearing pursuant to the administrative procedures  
19 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

20 (5) Information contained in an order or disposition filed  
21 with the department of state police under any provision of law  
22 described in section 2(3)(a)(i) to (vii) is exempt from public  
23 disclosure under the freedom of information act, 1976 PA 442, MCL  
24 15.231 to 15.246.

25 (6) The department of state police shall not send written  
26 notice of an entry of an order or disposition into the law  
27 enforcement information network as required for a personal

1 protection order issued under section 2950 or 2950a of the revised  
 2 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **OR**  
 3 **A GUN VIOLENCE RESTRAINING ORDER ISSUED UNDER THE GUN VIOLENCE**  
 4 **RESTRAINING ORDER ACT**, until ~~that~~**THE** department has received  
 5 notice that the respondent of the order has been served with or has  
 6 received notice of the personal protection order **OR GUN VIOLENCE**  
 7 **RESTRAINING ORDER**.

8 Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
 9 an individual shall apply to the concealed weapon licensing board  
 10 in the county in which that individual resides. The ~~application~~  
 11 **APPLICANT** shall ~~be filed~~**FILE THE APPLICATION** with the county clerk  
 12 **IN THE COUNTY IN WHICH THE APPLICANT RESIDES** during the county  
 13 clerk's normal business hours. The application shall be on a form  
 14 provided by the director of the department of state police and  
 15 shall allow the applicant to designate whether the applicant seeks  
 16 a temporary license. The application shall be signed under oath by  
 17 the applicant. The oath shall be administered by the county clerk  
 18 or his or her representative. The application shall contain all of  
 19 the following: ~~information.~~

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

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

3 (c) A statement by the applicant authorizing the concealed  
4 weapon licensing board to access any record, including any medical  
5 record, pertaining to the applicant's qualifications for a license  
6 to carry a concealed pistol under this act. The applicant may  
7 request that information received by the concealed weapon licensing  
8 board under this subdivision be reviewed in a closed session. If  
9 the applicant requests that the session be closed, the concealed  
10 weapon licensing board shall close the session only for purposes of  
11 this subdivision. The applicant and his or her representative have  
12 the right to be present in the closed session. Medical records and  
13 personal identifying information received by the concealed weapon  
14 licensing board under this subdivision is confidential, is not  
15 subject to disclosure under the freedom of information act, 1976 PA  
16 442, MCL 15.231 to 15.246, and shall not be disclosed to any person  
17 except for purposes of this act or for law enforcement purposes or  
18 if the applicant is convicted of a felony involving a pistol.

19 (d) A statement by the applicant regarding whether he or she  
20 has a history of mental illness that would disqualify him or her  
21 under subsection (7)(j) to (l) from receiving a license to carry a  
22 concealed pistol, and authorizing the concealed weapon licensing  
23 board to access the mental health records of the applicant relating  
24 to his or her mental health history. The applicant may request that  
25 information received by the concealed weapon licensing board under  
26 this subdivision be reviewed in a closed session. If the applicant  
27 requests that the session be closed, the concealed weapon licensing

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

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

12 (i) Any felony.

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

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

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

20 (h) The names, residential addresses, and telephone numbers of  
21 2 individuals who are references for the applicant. Information  
22 received under this subdivision is confidential, is not subject to  
23 disclosure under the freedom of information act, 1976 PA 442, MCL  
24 15.231 to 15.246, and shall not be disclosed to any person except  
25 for purposes of this act or for law enforcement purposes.

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

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

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

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

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

17           (5) Each applicant shall pay a nonrefundable fee of \$105.00 by  
18 any method of payment accepted by that county for payments of other  
19 fees and penalties. Except for a local police agency as provided in  
20 subsection (9), a unit of local government, an agency of a unit of  
21 local government, or an agency or department of this state shall  
22 not charge an additional fee, assessment, or other amount in  
23 connection with a license under this section. The fee shall be  
24 payable to the county. The county treasurer shall deposit \$41.00 of  
25 each fee collected under this section in the general fund of the  
26 county and credit \$26.00 of that deposit to the credit of the  
27 county clerk and \$15.00 of that deposit to the credit of the county

1 sheriff and forward the balance to the state treasurer. The state  
2 treasurer shall deposit the balance of the fee in the general fund  
3 to the credit of the department of state police. The department of  
4 state police shall use the money received under this act to process  
5 the fingerprints and to reimburse the federal bureau of  
6 investigation for the costs associated with processing fingerprints  
7 submitted under this act. The balance of the money received under  
8 this act shall be credited to the department of state police.

9 (6) The county sheriff on behalf of the concealed weapon  
10 licensing board shall verify the requirements of subsection (7)(d),  
11 (e), (f), (h), (i), (j), (k), (l), and (m) through the law  
12 enforcement information network and report his or her finding to  
13 the concealed weapon licensing board. If the applicant resides in a  
14 city, village, or township that has a police department, the  
15 concealed weapon licensing board shall contact that city, village,  
16 or township police department to determine only whether that city,  
17 village, or township police department has any information relevant  
18 to the investigation of whether the applicant is eligible under  
19 this act to receive a license to carry a concealed pistol. The  
20 concealed weapon licensing board may require a person claiming  
21 active duty status with the United States armed forces under this  
22 section to provide proof of 1 or both of the following:

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

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

25 (7) The concealed weapon licensing board shall issue a license  
26 to an applicant to carry a concealed pistol within the period  
27 required under this act after the applicant properly submits an



1 application under subsection (1) and the concealed weapon licensing  
2 board determines that all of the following circumstances exist:

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

4 (b) The applicant is a citizen of the United States or is an  
5 alien lawfully admitted into the United States, is a legal resident  
6 of this state, and has resided in this state for not less than the  
7 6 months immediately preceding the date of application. The  
8 concealed weapon licensing board may waive the 6-month residency  
9 requirement for a temporary license under section 5a(8) if the  
10 concealed weapon licensing board determines there is probable cause  
11 to believe the safety of the applicant or the safety of a member of  
12 the applicant's family is endangered by the applicant's inability  
13 to immediately obtain a license to carry a concealed pistol. If the  
14 applicant holds a valid concealed pistol license issued by another  
15 state at the time the applicant's residency in this state is  
16 established, the concealed weapon licensing board may waive the 6-  
17 month waiting period and the applicant may apply for a concealed  
18 pistol license at the time the applicant's residency in this state  
19 is established. The concealed weapon licensing board shall  
20 immediately issue a temporary license to that applicant. The  
21 temporary license shall be valid until the concealed weapon  
22 licensing board decides whether to grant or deny the application.  
23 For the purposes of this section, a person ~~shall be~~ **IS** considered a  
24 legal resident of this state if any of the following apply:

25 (i) The person has a valid, lawfully obtained Michigan driver  
26 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
27 257.1 to 257.923, or official state personal identification card

1 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

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

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

18 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
19 330.1464a.

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

22 (iii) Sections 2950 and 2950a of the revised judicature act of  
23 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

24 (iv) Section 6b of chapter V of the code of criminal procedure,  
25 1927 PA 175, MCL 765.6b, if the order has a condition imposed  
26 ~~pursuant to~~ **UNDER** section 6b(3) of chapter V of the code of  
27 criminal procedure, 1927 PA 175, MCL 765.6b.

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

3 (vi) **THE GUN VIOLENCE RESTRAINING ORDER ACT.**

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

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

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

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

17 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL  
18 257.617a (failing to stop when involved in a personal injury  
19 accident).

20 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
21 257.625, punishable as provided in subsection (9)(b) of that  
22 section (operating while intoxicated, second offense).

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

27 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL

1 257.626 (reckless driving).

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

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

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

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

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

20 (x) Section 82127 of the natural resources and environmental  
21 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile  
22 under the influence of intoxicating liquor or a controlled  
23 substance), punishable as a second or subsequent offense under  
24 section 82128(1)(b) ~~or (c)~~ of the natural resources and  
25 environmental protection act, 1994 PA 451, MCL 324.82128.

26 (xi) Section 80176 of the natural resources and environmental  
27 protection act, 1994 PA 451, MCL 324.80176, and punishable under

1 section 80177(1)(b) (operating vessel under the influence of  
2 intoxicating liquor or a controlled substance, second or subsequent  
3 offense).

4 (xii) Section 7403 of the public health code, 1978 PA 368, MCL  
5 333.7403.

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

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

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

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

17 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL  
18 750.115 (breaking and entering or entering without breaking).

19 (xviii) Section ~~136b(6)~~ **136B(8)** of the Michigan penal code, 1931  
20 PA 328, MCL 750.136b (fourth degree child abuse).

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

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

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

1       ~~(xxi) (xxii)~~ Section 215 of the Michigan penal code, 1931 PA 328,  
2 MCL 750.215 (impersonating peace officer or medical examiner).

3       ~~(xxii) (xxiii)~~ Section 223 of the Michigan penal code, 1931 PA  
4 328, MCL 750.223 (illegal sale of a firearm or ammunition).

5       ~~(xxiii) (xxiv)~~ Section 224d of the Michigan penal code, 1931 PA  
6 328, MCL 750.224d (illegal use or sale of a self-defense spray).

7       ~~(xxiv) (xxv)~~ Section 226a of the Michigan penal code, 1931 PA  
8 328, MCL 750.226a (sale or possession of a switchblade).

9       ~~(xxv) (xxvi)~~ Section 227c of the Michigan penal code, 1931 PA  
10 328, MCL 750.227c (improper transportation of a loaded firearm).

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

14       ~~(xxvii) (xxviii)~~ Section 229 of the Michigan penal code, 1931 PA  
15 328, MCL 750.229 (accepting a pistol in pawn).

16       ~~(xxviii) (xxix)~~ Section 232 of the Michigan penal code, 1931 PA  
17 328, MCL 750.232 (failure to register the purchase of a firearm or  
18 a firearm component).

19       ~~(xxix) (xxx)~~ Section 232a of the Michigan penal code, 1931 PA  
20 328, MCL 750.232a (improperly obtaining a pistol, making a false  
21 statement on an application to purchase a pistol, or using false  
22 identification to purchase a pistol).

23       ~~(xxx) (xxxi)~~ Section 233 of the Michigan penal code, 1931 PA  
24 328, MCL 750.233 (intentionally aiming a firearm without malice).

25       ~~(xxxi) (xxxii)~~ Section 234 of the Michigan penal code, 1931 PA  
26 328, MCL 750.234 (intentionally discharging a firearm aimed without  
27 malice).

1       (~~xxxii~~) (~~xxviii~~)—Section 234d of the Michigan penal code, 1931 PA  
2 328, MCL 750.234d (possessing a firearm on prohibited premises).

3       (~~xxxiii~~) (~~xxv~~)—Section 234e of the Michigan penal code, 1931 PA  
4 328, MCL 750.234e (brandishing a firearm in public).

5       (~~xxxiv~~) (~~xxv~~)—Section 234f of the Michigan penal code, 1931 PA  
6 328, MCL 750.234f (possession of a firearm by an individual less  
7 than 18 years of age).

8       (~~xxxv~~) (~~xxvi~~)—Section 235 of the Michigan penal code, 1931 PA  
9 328, MCL 750.235 (intentionally discharging a firearm aimed without  
10 malice causing injury).

11       (~~xxxvi~~) (~~xxvii~~)—Section 235a of the Michigan penal code, 1931 PA  
12 328, MCL 750.235a (parent of a minor who possessed a firearm in a  
13 weapon free school zone).

14       (~~xxxvii~~) (~~xxviii~~)—Section 236 of the Michigan penal code, 1931 PA  
15 328, MCL 750.236 (setting a spring gun or other device).

16       (~~xxxviii~~) (~~xxix~~)—Section 237 of the Michigan penal code, 1931 PA  
17 328, MCL 750.237 (possessing a firearm while under the influence of  
18 intoxicating liquor or a ~~drug~~). **CONTROLLED SUBSTANCE**).

19       (~~xxxix~~) (~~xl~~)—Section 237a of the Michigan penal code, 1931 PA  
20 328, MCL 750.237a (weapon free school zone violation).

21       (~~xl~~) (~~xli~~)—Section 335a of the Michigan penal code, 1931 PA 328,  
22 MCL 750.335a (indecent exposure).

23       (~~xli~~) (~~xlii~~)—Section 411h of the Michigan penal code, 1931 PA  
24 328, MCL 750.411h (stalking).

25       (~~xlii~~) (~~xliii~~)—Section 520e of the Michigan penal code, 1931 PA  
26 328, MCL 750.520e (fourth degree criminal sexual conduct).

27       (~~xliii~~) (~~xliv~~)—Section 1 of 1952 PA 45, MCL 752.861 (reckless,

1   careless, or negligent use of a firearm resulting in injury or  
2   death).

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

6       **(xlv)** ~~(xlv)~~ Section ~~3a-3~~ 3 of 1952 PA 45, MCL 752.863a (reckless  
7   discharge of a firearm).

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

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

16       (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
17   257.625 (operating under the influence).

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

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

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

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



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

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

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

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

13          (x) Part 74 of the public health code, 1978 PA 368, MCL  
14 333.7401 to 333.7461 (controlled substance violation).

15          (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
16 462.353 (operating locomotive under the influence), punishable  
17 under subsection (3) of that section.

18          (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL  
19 750.167 (disorderly person).

20          (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL  
21 750.174 (embezzlement).

22          (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL  
23 750.218 (false pretenses with intent to defraud).

24          (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL  
25 750.356 (larceny).

26          (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL  
27 750.356d (second degree retail fraud).

(xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL 750.359 (larceny —**FROM A** vacant building **OR STRUCTURE**).

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

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

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

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

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

(xxiii) Section 540e of the Michigan penal code, 1931 PA 328, MCL 750.540e (malicious use of ~~telephones~~). **TELECOMMUNICATIONS SERVICE OR DEVICE**).

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

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

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

(l) The applicant does not have a diagnosed mental illness at the time the application is made regardless of whether he or she is

1 receiving treatment for that illness.

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

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

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

24 (9) An individual, after submitting an application and paying  
25 the fee prescribed under subsection (5), shall request and have  
26 classifiable fingerprints taken by the county sheriff or a local  
27 police agency if that local police agency maintains fingerprinting

1 capability. If the individual requests that classifiable  
2 fingerprints be taken by a local police agency, the individual  
3 shall also pay to that local police agency a fee of \$15.00 by any  
4 method of payment accepted by the unit of local government for  
5 payments of other fees and penalties. The county sheriff or local  
6 police agency shall take the fingerprints within 5 business days  
7 after the request.

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

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

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

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

11           (a) Inform the applicant in writing of the reasons for the  
12 denial. Information under this subdivision shall include all of the  
13 following:

14           (i) A statement of the specific and articulable facts  
15 supporting the denial.

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

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

20           (14) If the fingerprint comparison report is not received by  
21 the concealed weapon licensing board within 60 days after the  
22 fingerprint report is forwarded to the department of state police  
23 by the federal bureau of investigation, the concealed weapon  
24 licensing board shall issue a temporary license to carry a  
25 concealed pistol to the applicant if the applicant is otherwise  
26 qualified for a license. A temporary license issued under this  
27 section is valid for 180 days or until the concealed weapon

1 licensing board receives the fingerprint comparison report provided  
2 under subsection (10) and issues or denies issuance of a license to  
3 carry a concealed pistol as otherwise provided under this act. Upon  
4 issuance or the denial of issuance of the license to carry a  
5 concealed pistol to an applicant who received a temporary license  
6 under this section, the applicant shall immediately surrender the  
7 temporary license to the concealed weapon licensing board that  
8 issued that temporary license.

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

15 (16) If a concealed weapons licensing board suspends or  
16 revokes a license issued under this act, the license is forfeited  
17 and shall be returned to the concealed weapon licensing board  
18 forthwith. An individual who fails to return a license as required  
19 under this subsection after he or she was notified that his or her  
20 license was suspended or revoked is guilty of a misdemeanor  
21 punishable by imprisonment for not more than 93 days or a fine of  
22 not more than \$500.00, or both.

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

27 (18) This section does not prohibit the concealed weapon

1   licensing board from making public and distributing to the public  
2   at no cost lists of individuals who are certified as qualified  
3   instructors as prescribed under section 5j.

4       (19) As used in this section:

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

11       (b) "Felony" means that term as defined in section 1 of  
12   chapter I of the code of criminal procedure, 1927 PA 175, MCL  
13   761.1, or a violation of a law of the United States or another  
14   state that is designated as a felony or that is punishable by death  
15   or by imprisonment for more than 1 year.

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

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

26       (e) "Treatment" means care or any therapeutic service,  
27   including, but not limited to, the administration of a drug, and

1 any other service for the treatment of a mental illness.

2 Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No. \_\_\_\_ or House Bill No. 5688 (request no.  
4 05728'14) of the 97th Legislature is enacted into law.