

# SENATE BILL No. 789

February 18, 2014, Introduced by Senators GREEN, CASPERSON, BRANDENBURG, MOOLENAAR, ROBERTSON, PAVLOV, COLBECK, MARLEAU, PAPPAGEORGE and KOWALL 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 1, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, and 8 (MCL 28.421, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, and 28.428), section 1 as amended by 2012 PA 243, section 4 as added by 1992 PA 219, sections 5, 5a, 5e, and 5m as added by 2000 PA 381, sections 5b and 8 as amended by 2008 PA 406, sections 5c and 5d as

amended by 2002 PA 719, sections 5f and 5k as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) As used in this act:

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

7           (b) "Firearm" means a weapon from which a dangerous projectile  
8 may be propelled by an explosive, or by gas or air. Firearm does  
9 not include a smooth bore rifle or handgun designed and  
10 manufactured exclusively for propelling by a spring, or by gas or  
11 air, BBs not exceeding .177 caliber.

12           (C) "LICENSING AUTHORITY" MEANS, FOR PURPOSES OF ISSUING A  
13 LICENSE TO CARRY A CONCEALED PISTOL ONLY, 1 OF THE FOLLOWING:

14           (i) THROUGH DECEMBER 31, 2014, THE CONCEALED WEAPON LICENSING  
15 BOARD IN THE COUNTY IN WHICH THE APPLICANT RESIDES HAVING THE  
16 AUTHORITY UNDER THIS ACT TO ISSUE TO THE APPLICANT A LICENSE TO  
17 CARRY A CONCEALED PISTOL.

18           (ii) BEGINNING JANUARY 1, 2015, THE COUNTY CLERK HAVING THE  
19 AUTHORITY UNDER THIS ACT TO ISSUE TO THE APPLICANT A LICENSE TO  
20 CARRY A CONCEALED PISTOL.

21           (D) ~~(e)~~"Misdemeanor" means a violation of a penal law of this  
22 state or violation of a local ordinance substantially corresponding

1 to a violation of a penal law of this state that is not a felony or  
2 a violation of an order, rule, or regulation of a state agency that  
3 is punishable by imprisonment or a fine that is not a civil fine,  
4 or both.

5 (E) ~~(d)~~—"Peace officer" means, except as otherwise provided in  
6 this act, an individual who is employed as a law enforcement  
7 officer, as that term is defined under section 2 of the commission  
8 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this  
9 state or another state, a political subdivision of this state or  
10 another state, or the United States, and who is required to carry a  
11 firearm in the course of his or her duties as a law enforcement  
12 officer.

13 (F) ~~(e)~~—"Pistol" means a loaded or unloaded firearm that is 26  
14 inches or less in length, or a loaded or unloaded firearm that by  
15 its construction and appearance conceals it as a firearm.

16 (G) ~~(f)~~—"Purchaser" means a person who receives a pistol from  
17 another person by purchase or gift.

18 (H) ~~(g)~~—"Reserve peace officer", "auxiliary officer", or  
19 "reserve officer" means, except as otherwise provided in this act,  
20 an individual authorized on a voluntary or irregular basis by a  
21 duly authorized police agency of this state or a political  
22 subdivision of this state to act as a law enforcement officer, who  
23 is responsible for the preservation of the peace, the prevention  
24 and detection of crime, and the enforcement of the general criminal  
25 laws of this state, and who is otherwise eligible to possess a  
26 firearm under this act.

27 (I) ~~(h)~~—"Retired police officer" or "retired law enforcement

1 officer" means an individual who was a police officer or law  
2 enforcement officer who was certified as described under section 9a  
3 of the commission on ~~the~~ law enforcement standards act, 1965 PA  
4 203, MCL 28.609a, and retired in good standing from his or her  
5 employment as a police officer or law enforcement officer. **A POLICE  
6 OFFICER OR LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING IF HE  
7 OR SHE RECEIVES A PENSION OR OTHER RETIREMENT BENEFIT FOR HIS OR  
8 HER SERVICE AS A POLICE OFFICER OR LAW ENFORCEMENT OFFICER OR HAS  
9 ACTIVELY MAINTAINED A MICHIGAN COMMISSION ON LAW ENFORCEMENT  
10 STANDARDS OR EQUIVALENT STATE CERTIFICATION FOR 20 OR MORE  
11 CONSECUTIVE YEARS.**

12 (J) ~~(i)~~ "Seller" means a person who sells or gives a pistol to  
13 another person.

14 (K) ~~(j)~~ "State court judge" means a judge of the district  
15 court, circuit court, probate court, or court of appeals or justice  
16 of the supreme court of this state who is serving either by  
17 election or appointment.

18 (L) ~~(k)~~ "State court retired judge" means a judge or justice  
19 described in subdivision ~~(j)~~ (K) who is retired, or a retired judge  
20 of the recorders court.

21 (2) A person may lawfully own, possess, carry, or transport as  
22 a pistol a firearm greater than 26 inches in length if all of the  
23 following conditions apply:

24 (a) The person registered the firearm as a pistol under  
25 section 2 or 2a before January 1, 2013.

26 (b) The person who registered the firearm as described in  
27 subdivision (a) has maintained registration of the firearm since

1 January 1, 2013 without lapse.

2 (c) The person possesses a copy of the license or record  
3 issued to him or her under section 2 or 2a.

4 (3) A person who satisfies all of the conditions listed under  
5 subsection (2) nevertheless may elect to have the firearm not be  
6 considered to be a pistol. A person who makes the election under  
7 this subsection shall notify the department of state police of the  
8 election in a manner prescribed by that department.

9 Sec. 4. (1) A person who is prohibited from possessing, using,  
10 transporting, selling, purchasing, carrying, shipping, receiving,  
11 or distributing a firearm under section 224f(2) of the Michigan  
12 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~  
13 ~~750.224f of the Michigan Compiled Laws, 1931 PA 328, MCL 750.224F,~~  
14 may apply to the ~~concealed weapons licensing board in the county in~~  
15 ~~which he or she resides~~ **CIRCUIT COURT IN THE COUNTY IN WHICH THE**  
16 **PERSON RESIDES** for restoration of those rights.

17 (2) Not more than 1 application may be submitted under  
18 subsection (1) in any calendar year. The ~~concealed weapons~~  
19 ~~licensing board~~ **CIRCUIT COURT** may charge a fee of not more than  
20 \$10.00 for the actual and necessary expenses of each application.

21 (3) The ~~concealed weapons licensing board~~ **CIRCUIT COURT** shall,  
22 by written order, ~~of the board,~~ restore the rights of a person to  
23 possess, use, transport, sell, purchase, carry, ship, receive, or  
24 distribute a firearm if the ~~board~~ **CIRCUIT COURT** determines, by  
25 clear and convincing evidence, that all of the following  
26 circumstances exist:

27 (a) The person properly submitted an application for

1 restoration of those rights as provided under this section.

2 (b) The expiration of 5 years after all of the following  
3 circumstances:

4 (i) The person has paid all fines imposed for the violation  
5 resulting in the prohibition.

6 (ii) The person has served all terms of imprisonment imposed  
7 for the violation resulting in the prohibition.

8 (iii) The person has successfully completed all conditions of  
9 probation or parole imposed for the violation resulting in the  
10 prohibition.

11 (c) The person's record and reputation are such that the  
12 person is not likely to act in a manner dangerous to the safety of  
13 other persons.

14 ~~—— (4) If the concealed weapons licensing board pursuant to~~  
15 ~~subsection (3) refuses to restore a right under this section, the~~  
16 ~~person may petition the circuit court for review of that decision.~~

17 Sec. 5. (1) County sheriffs, local police agencies, and county  
18 clerks shall provide concealed pistol application kits during  
19 normal business hours and free of charge to individuals who wish to  
20 apply for licenses to carry concealed pistols. Each kit shall only  
21 contain all of the following:

22 (a) A concealed pistol license application form provided by  
23 the director of the department of state police.

24 (b) The fingerprint cards ~~required~~ under section  
25 ~~5b(11)~~ **5B(10), IF REQUIRED.**

26 (c) Written information regarding the procedures involved in  
27 obtaining a license to carry a concealed pistol, including

1 information regarding the right to appeal the denial of a license  
2 and the form required for that appeal.

3 (d) Written information identifying entities that offer the  
4 training required under section 5b(7)(c).

5 (2) A county sheriff, local police agency, or county clerk  
6 shall not deny an individual the right to receive a concealed  
7 pistol application kit under this section.

8 (3) An individual who is denied an application kit under this  
9 section and obtains an order of mandamus directing the ~~concealed~~  
10 ~~weapon licensing board~~ **LICENSING AUTHORITY** to provide him or her  
11 with the application kit shall be awarded his or her actual and  
12 reasonable costs and attorney fees for obtaining the order.

13 (4) The department of state police shall provide the  
14 application kits required under this section to county sheriffs,  
15 local law enforcement agencies, and county clerks in sufficient  
16 quantities to meet demand. The department of state police shall not  
17 charge a fee for the kits.

18 Sec. 5a. (1) ~~Each~~ **THROUGH DECEMBER 31, 2014, EACH** county shall  
19 have a concealed weapon licensing board. The concealed weapon  
20 licensing board of each county shall have the following members:

21 (a) The county prosecuting attorney or his or her designee.  
22 However, if the county prosecuting attorney decides that he or she  
23 does not want to be a member of the concealed weapon licensing  
24 board, he or she shall notify the county board of commissioners in  
25 writing that he or she does not want to be a member of the  
26 concealed weapon licensing board for the balance of his or her term  
27 in office. The county board of commissioners shall then appoint a

1 replacement for the prosecuting attorney who is a firearms  
2 instructor who has the qualifications prescribed in section  
3 ~~5j(1)(e)~~. **5J(1)(D)**. The person who replaces the prosecuting  
4 attorney shall serve on the concealed weapon licensing board in  
5 place of the prosecuting attorney for the remaining term of the  
6 county prosecuting attorney unless removed for cause by the county  
7 board of commissioners. If a vacancy occurs on the concealed weapon  
8 licensing board of the person appointed ~~pursuant to~~ **UNDER** this  
9 section during the term of office of the county prosecuting  
10 attorney, the county board of commissioners shall appoint a  
11 replacement person who is a firearms instructor who has the  
12 qualifications prescribed in section ~~5j(1)(e)~~. **5J(1)(D)**.

13 (b) The county sheriff or his or her designee.

14 (c) The director of the department of state police or his or  
15 her designee.

16 (2) If a prosecuting attorney chooses not to be a member of  
17 the concealed weapon licensing board, all of the following apply:

18 (a) The prosecuting attorney shall be notified of all  
19 applications received by the concealed weapon licensing board.

20 (b) The prosecuting attorney shall be given an opportunity to  
21 object to granting a license to carry a concealed pistol and  
22 present evidence bearing directly on an applicant's suitability to  
23 carry a concealed pistol safely.

24 (c) The prosecuting attorney shall disclose to the concealed  
25 weapon licensing board any information of which he or she has  
26 actual knowledge that bears directly on an applicant's suitability  
27 to carry a concealed pistol safely.

1           (3) The county prosecuting attorney or his or her designee  
 2 shall serve as chairperson of the board unless the prosecuting  
 3 attorney does not want to be a member of the concealed weapon  
 4 licensing board, in which case the concealed weapon licensing board  
 5 shall elect its chairperson. Two members of the concealed weapon  
 6 licensing board constitute a quorum of the concealed weapon  
 7 licensing board. The business of the concealed weapon licensing  
 8 board shall be conducted by a majority vote of all of the members  
 9 of the concealed weapon licensing board.

10           (4) The county clerk ~~shall serve as the clerk of the concealed~~  
 11 ~~weapon licensing board.~~ **IS RESPONSIBLE FOR STORING AND MAINTAINING**  
 12 **ALL RECORDS RELATED TO THE ISSUANCE OR DENIAL OF A LICENSE IN THAT**  
 13 **COUNTY.**

14           (5) Except as otherwise provided in this act, the ~~concealed~~  
 15 ~~weapon licensing board~~ **LICENSING AUTHORITY** has exclusive authority  
 16 to issue ~~, AND deny, revoke, or suspend~~ a license to carry a  
 17 concealed pistol. The ~~concealed weapon licensing board~~ **LICENSING**  
 18 **AUTHORITY** shall perform other duties as provided by law.

19           (6) The concealed weapon licensing board may convene not more  
 20 than 3 panels to assist the board in evaluating applicants. The  
 21 panels shall be composed of representatives as prescribed in  
 22 subsection (1). The panels do not have the authority to issue,  
 23 deny, revoke, or suspend a license. **THE AUTHORITY OF ANY PANEL**  
 24 **CONVENED UNDER THIS SUBSECTION EXPIRES NOT LATER THAN 12 MIDNIGHT**  
 25 **DECEMBER 31, 2014.**

26           (7) The ~~concealed weapon licensing board~~ **DEPARTMENT OF STATE**  
 27 **POLICE** may investigate the applicant for a license to carry a

1 concealed pistol. The investigation shall be restricted to  
2 determining only whether the applicant is eligible under this act  
3 to receive a license to carry a concealed pistol, and the  
4 investigation regarding the issuance of a license shall end after  
5 that determination is made. ~~The concealed weapon licensing board~~  
6 ~~may require the applicant to appear before the board at a mutually~~  
7 ~~agreed upon time for a conference. The applicant's failure or~~  
8 ~~refusal to appear without valid reason before the concealed weapon~~  
9 ~~licensing board as provided in this subsection is grounds for the~~  
10 ~~board to deny issuance of a license to carry a concealed pistol to~~  
11 ~~that applicant.~~

12 (8) If the ~~concealed weapon licensing board~~ **LICENSING**  
13 **AUTHORITY** determines there is probable cause to believe the safety  
14 of the applicant or the safety of a member of the applicant's  
15 family is endangered by the applicant's inability to immediately  
16 obtain a license to carry a concealed pistol, the ~~concealed weapon~~  
17 ~~licensing board~~ **LICENSING AUTHORITY** may, pending issuance of a  
18 license, issue a temporary license to the individual to carry a  
19 concealed pistol. A temporary license shall be on a form provided  
20 by the department of state police. A temporary license ~~shall be~~ **IS**  
21 **unrestricted and shall be** **IS** valid for not more than 180 days. A  
22 temporary license may be renewed for 1 additional period of not  
23 more than 180 days. A temporary license is, for all other purposes  
24 of this act, a license to carry a concealed pistol.

25 (9) The legislative service bureau shall compile the firearms  
26 laws of this state, including laws that apply to carrying a  
27 concealed pistol, and shall provide copies of the compilation **IN AN**

1 ~~ELECTRONIC FORMAT~~ to each ~~concealed weapon licensing board~~ in this  
2 ~~state for distribution under this subsection. A concealed weapon~~  
3 ~~licensing board~~ THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF  
4 STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED LAWS TO EACH  
5 LICENSING AUTHORITY IN THIS STATE TOGETHER WITH INFORMATION  
6 REGARDING THE RIGHTS AND RESPONSIBILITIES OF APPLICANTS, LICENSE  
7 HOLDERS, AND LICENSING AUTHORITIES UNDER THIS ACT. THE DEPARTMENT  
8 OF STATE POLICE SHALL ALSO PROVIDE FORMS TO APPEAL ANY DENIAL,  
9 SUSPENSION, OR REVOCATION OF A LICENSE UNDER THIS ACT. THE  
10 DEPARTMENT OF STATE POLICE SHALL DISTRIBUTE COPIES OF THE  
11 COMPILATION, INFORMATION, AND FORMS REQUIRED UNDER THIS SUBSECTION  
12 IN ELECTRONIC FORMAT TO EACH LICENSING AUTHORITY. THE LICENSING  
13 AUTHORITY shall distribute a copy of the compilation, INFORMATION,  
14 AND FORMS to each individual who applies for a license to carry a  
15 concealed pistol at the time the application is submitted. The  
16 ~~concealed weapon licensing board~~ LICENSING AUTHORITY shall require  
17 the applicant to sign a written statement acknowledging that he or  
18 she has received a copy of the compilation, INFORMATION, AND FORMS  
19 PROVIDED UNDER THIS SUBSECTION. An individual is not eligible to  
20 receive a license to carry a concealed pistol until he or she has  
21 signed the statement.

22 (10) EFFECTIVE 12 MIDNIGHT DECEMBER 31, 2014, THE COUNTY  
23 CONCEALED WEAPON LICENSING BOARDS ARE ELIMINATED AND THE DUTIES,  
24 FUNCTIONS, AND RESPONSIBILITIES OF THOSE BOARDS ARE TRANSFERRED TO  
25 THE COUNTY CLERKS AS PROVIDED IN THIS ACT. EACH COUNTY CONCEALED  
26 WEAPON LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND  
27 OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE LICENSING AUTHORITY OF

1 THE COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN 12 MIDNIGHT  
2 DECEMBER 31, 2014. ALL PENDING APPLICATIONS REMAIN IN PLACE, AND  
3 THE LICENSING AUTHORITY SHALL PROCESS THOSE APPLICATIONS AS  
4 PROVIDED IN THIS ACT. THE LICENSING AUTHORITY SHALL NOT CHARGE ANY  
5 ADDITIONAL FEE FOR RECEIVING OR PROCESSING AN APPLICATION  
6 PREVIOUSLY SUBMITTED TO THE COUNTY CONCEALED WEAPON LICENSING  
7 BOARD, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT. A LICENSE TO CARRY  
8 A CONCEALED PISTOL ISSUED BY A CONCEALED WEAPON LICENSING BOARD  
9 BEFORE 12 MIDNIGHT DECEMBER 31, 2014 IS VALID AND REMAINS IN EFFECT  
10 UNTIL THE EXPIRATION OF THAT LICENSE OR AS OTHERWISE PROVIDED BY  
11 LAW.

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

24 (a) The applicant's legal name and date of birth and the  
25 address of his or her primary residence. If the applicant resides  
26 in a city, village, or township that has a police department, the  
27 name of the police department. Information received under this

1 subdivision is confidential, is not subject to disclosure under the  
2 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and  
3 shall not be disclosed to any person except for purposes of this  
4 act or for law enforcement purposes.

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

7 (c) A statement by the applicant authorizing the ~~concealed~~  
8 ~~weapon licensing board~~ **LICENSING AUTHORITY** to access any record,  
9 including any medical record, pertaining to the applicant's  
10 qualifications for a license to carry a concealed pistol under this  
11 act. ~~The applicant may request that information received by the~~  
12 ~~concealed weapon licensing board under this subdivision be reviewed~~  
13 ~~in a closed session. If the applicant requests that the session be~~  
14 ~~closed, the concealed weapon licensing board shall close the~~  
15 ~~session only for purposes of this subdivision. The applicant and~~  
16 ~~his or her representative have the right to be present in the~~  
17 ~~closed session. Medical records and personal identifying~~  
18 ~~information received by the concealed weapon licensing board~~  
19 **LICENSING AUTHORITY** under this subdivision is confidential, is not  
20 subject to disclosure under the freedom of information act, 1976 PA  
21 442, MCL 15.231 to 15.246, and shall not be disclosed to any person  
22 except for purposes of this act or for law enforcement purposes or  
23 if the applicant is convicted of a felony involving a pistol.

24 (d) A statement by the applicant regarding whether he or she  
25 has a history of mental illness that would disqualify him or her  
26 under subsection (7)(j) to (l) from receiving a license to carry a  
27 concealed pistol, and authorizing the ~~concealed weapon licensing~~

1 ~~board~~ **LICENSING AUTHORITY** to access the mental health records of  
2 the applicant relating to his or her mental health history. The  
3 ~~applicant may request that information received by the concealed~~  
4 ~~weapon licensing board under this subdivision be reviewed in a~~  
5 ~~closed session. If the applicant requests that the session be~~  
6 ~~closed, the concealed weapon licensing board shall close the~~  
7 ~~session only for purposes of this subdivision. The applicant and~~  
8 ~~his or her representative have the right to be present in the~~  
9 ~~closed session. Medical records and personal identifying~~  
10 ~~information received by the concealed weapon licensing board~~  
11 **LICENSING AUTHORITY** under this subdivision is confidential, is not  
12 subject to disclosure under the freedom of information act, 1976 PA  
13 442, MCL 15.231 to 15.246, and shall not be disclosed to any person  
14 except for purposes of this act or for law enforcement purposes.

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

18 (i) Any felony.

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

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

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

26 ~~—(h) The names, residential addresses, and telephone numbers of~~  
27 ~~2 individuals who are references for the applicant. Information~~

1 ~~received under this subdivision is confidential, is not subject to~~  
2 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~  
3 ~~15.231 to 15.246, and shall not be disclosed to any person except~~  
4 ~~for purposes of this act or for law enforcement purposes.~~

5 (H) ~~(i)~~ A passport-quality photograph of the applicant  
6 provided by the applicant at the time of application. **OR, IF THE**  
7 **APPLICANT DOES NOT PROVIDE HIS OR HER OWN PASSPORT-QUALITY**  
8 **PHOTOGRAPH, A PHOTOGRAPH OF THE APPLICANT TAKEN BY THE LICENSING**  
9 **AUTHORITY AT NO CHARGE OR FOR A REASONABLE FEE. THE LICENSING**  
10 **AUTHORITY SHALL NOT REQUIRE THE APPLICANT TO HAVE HIS OR HER**  
11 **PHOTOGRAPH TAKEN BY THE LICENSING AUTHORITY OR BY ANY OTHER**  
12 **SPECIFIC OFFICE OR VENDOR IF THE APPLICANT PROVIDES HIS OR HER OWN**  
13 **PHOTOGRAPH THAT COMPLIES WITH THE REQUIREMENT OF THIS SUBDIVISION.**

14 (I) A SIGNATURE OF THE APPLICANT OBTAINED BY THE COUNTY CLERK  
15 AT THE TIME OF APPLICATION FOR USE ON HIS OR HER LICENSE TO CARRY A  
16 CONCEALED PISTOL OR AS OTHERWISE REQUIRED.

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

19 (2) THE LICENSING AUTHORITY SHALL NOT REQUIRE THE APPLICANT TO  
20 SUBMIT ANY ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE  
21 OF ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL  
22 EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR  
23 IN THIS ACT. THIS DOES NOT PROHIBIT THE LICENSEE FROM VOLUNTARILY  
24 SUBMITTING ADDITIONAL DOCUMENTATION IF HE OR SHE CHOOSES TO DO SO  
25 AT HIS OR HER OWN INITIATIVE AND DOES NOT PROHIBIT THE LICENSING  
26 AUTHORITY FROM REQUIRING AN APPLICANT IN WRITING TO PROVIDE  
27 ADDITIONAL DOCUMENTATION THAT IS NECESSARY TO ADDRESS A SPECIFIC

1 **DISQUALIFICATION SET FORTH IN THIS ACT AND IDENTIFIED IN A WRITTEN**  
2 **NOTICE SENT TO THE APPLICANT UNDER SUBSECTION (13).** The application  
3 form shall contain a conspicuous warning that the application is  
4 executed under oath and that intentionally making a material false  
5 statement on the application is a felony punishable by imprisonment  
6 for not more than 4 years or a fine of not more than \$2,500.00, or  
7 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~~ **LICENSING AUTHORITY**  
13 shall retain a copy of each application for a license to carry a  
14 concealed pistol as an official record. One year after the  
15 expiration of a concealed pistol license, the county clerk may  
16 destroy the record and maintain only a name index of the record.

17 (5) Each applicant shall pay a ~~nonrefundable~~ **AN APPLICATION**  
18 **AND LICENSING** fee of ~~\$105.00~~ **\$90.00** by any method of payment  
19 accepted by that county for payments of other fees and penalties.  
20 **THE FEE SHALL COVER ALL COSTS IN THE APPLICATION AND LICENSING**  
21 **PROCESS THROUGH AND INCLUDING THE DENIAL OR ISSUANCE OF A LICENSE.**  
22 Except ~~for a local police agency as provided in subsection (9), a~~  
23 ~~unit of local government, an agency of a unit of local government,~~  
24 ~~or an agency or department of this state shall not charge an~~  
25 ~~additional fee, assessment, or other amount in connection with a~~  
26 ~~license under this section~~ **NO OTHER CHARGE, FEE, COST, OR**  
27 **ASSESSMENT, INCLUDING ANY LOCAL CHARGE, FEE, COST, OR ASSESSMENT,**

1 **IS REQUIRED OF THE APPLICANT EXCEPT AS SPECIFICALLY AUTHORIZED IN**  
 2 **THIS ACT.** The **APPLICATION AND LICENSING** fee shall be payable to the  
 3 county. The county treasurer shall deposit ~~\$41.00~~ **\$26.00** of each  
 4 **APPLICATION AND LICENSING** fee collected under this section in the  
 5 ~~general fund of the county and credit \$26.00 of that deposit to the~~  
 6 ~~credit of the county clerk and \$15.00 of that deposit to the credit~~  
 7 ~~of the county sheriff and~~ **CONCEALED PISTOL LICENSING FUND CREATED**  
 8 **IN SECTION 5X. THE COUNTY TREASURER SHALL** forward the balance  
 9 **REMAINING** to the state treasurer. The state treasurer shall deposit  
 10 the balance of the fee in the general fund to the credit of the  
 11 department of state police. The department of state police shall  
 12 use the money received under this act to process the fingerprints  
 13 and to reimburse the federal bureau of investigation for the costs  
 14 associated with processing fingerprints submitted under this act.  
 15 The balance of the money received under this act shall be credited  
 16 to the department of state police.

17 (6) ~~The~~ **THROUGH DECEMBER 31, 2014, THE** county sheriff ~~on~~  
 18 ~~behalf of the concealed weapon licensing board~~ shall verify the  
 19 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),  
 20 (l), and (m) through the law enforcement information network. ~~and~~  
 21 **BEGINNING JANUARY 1, 2015, THE DEPARTMENT OF STATE POLICE SHALL**  
 22 **VERIFY THE REQUIREMENTS OF SUBSECTION (7)(D), (E), (F), (H), (I),**  
 23 **(J), (K), (L), AND (M) THROUGH THE LAW ENFORCEMENT INFORMATION**  
 24 **NETWORK. THROUGH DECEMBER 31, 2014, THE COUNTY SHERIFF SHALL** report  
 25 his or her finding to the concealed weapon licensing board. If the  
 26 applicant resides in a city, village, or township that has a police  
 27 department, the ~~concealed weapon licensing board~~ **LICENSING**

1 **AUTHORITY** shall contact that city, village, or township police  
2 department to determine only whether that city, village, or  
3 township police department has any information relevant to the  
4 investigation of whether the applicant is eligible under this act  
5 to receive a license to carry a concealed pistol. **IN ALL CASES, THE**  
6 **DEPARTMENT OF STATE POLICE SHALL CONTACT THE COUNTY SHERIFF, COUNTY**  
7 **PROSECUTING ATTORNEY, AND THE STATE POLICE POST HAVING JURISDICTION**  
8 **TO DETERMINE ONLY WHETHER THAT COUNTY SHERIFF, COUNTY PROSECUTING**  
9 **ATTORNEY, OR STATE POLICE POST HAS ANY INFORMATION RELEVANT TO THE**  
10 **INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT**  
11 **TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.** The ~~concealed~~  
12 ~~weapon licensing board~~ **LICENSING AUTHORITY** may require a person  
13 claiming active duty status with the United States armed forces  
14 under this section to provide proof of 1 or both of the following:  
15 (a) The person's home of record.  
16 (b) Permanent active duty assignment in this state.  
17 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
18 shall issue **AND SHALL SEND** a license to an applicant to carry a  
19 concealed pistol within the period required under this act ~~after~~  
20 ~~the applicant properly submits an application under subsection (1)~~  
21 ~~and~~ **IF** the ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
22 determines that all of the following circumstances exist:  
23 (a) The applicant is 21 years of age or older.  
24 (b) The applicant is a citizen of the United States or is an  
25 alien lawfully admitted into the United States, is a legal resident  
26 of this state, and has resided in this state for not less than the  
27 6 months immediately preceding the date of application. The

1 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** may waive the  
2 6-month residency requirement for a temporary license under section  
3 5a(8) if the ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
4 determines there is probable cause to believe the safety of the  
5 applicant or the safety of a member of the applicant's family is  
6 endangered by the applicant's inability to immediately obtain a  
7 license to carry a concealed pistol. If the applicant holds a valid  
8 concealed pistol license issued by another state at the time the  
9 applicant's residency in this state is established, the ~~concealed~~  
10 ~~weapon licensing board~~ **LICENSING AUTHORITY** may waive the 6-month  
11 waiting period and the applicant may apply for a concealed pistol  
12 license at the time the applicant's residency in this state is  
13 established. The ~~concealed weapon licensing board~~ **LICENSING**  
14 **AUTHORITY** shall immediately issue **AND SEND** a temporary license to  
15 that applicant. The temporary license ~~shall be~~ **IS** valid until the  
16 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** decides  
17 whether to grant or deny the application. For the purposes of this  
18 section, a person ~~shall be~~ **IS** considered a legal resident of this  
19 state if any of the following apply:

20 (i) The person has a valid, lawfully obtained Michigan driver  
21 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
22 257.1 to 257.923, or official state personal identification card  
23 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

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

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

13           (i) Section 464a of the mental health code, 1974 PA 258, MCL  
14 330.1464a.

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

17           (iii) Sections 2950 and 2950a of the revised judicature act of  
18 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

1 code, 1931 PA 328, MCL 750.224f.

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

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

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

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

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

17 ~~—— (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,~~  
18 ~~MCL 257.625m punishable under subsection (4) of that section~~  
19 ~~(operating a commercial vehicle with alcohol content, second~~  
20 ~~offense).~~

21 ~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL~~  
22 ~~257.626 (reckless driving).~~

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

26 (i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL  
27 INJURY ACCIDENT), SECTION 625(9)(B) (OPERATING WHILE INTOXICATED,

1 SECOND OFFENSE), SECTION 625M(4) (OPERATING A COMMERCIAL VEHICLE  
2 WITH ALCOHOL CONTENT, SECOND OFFENSE), A SECOND OR SUBSEQUENT  
3 VIOLATION OF SECTION 626(2) (RECKLESS DRIVING), OR A VIOLATION OF  
4 SECTION 904(1) (OPERATING WHILE LICENSE SUSPENDED OR REVOKED,  
5 SECOND OR SUBSEQUENT OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA  
6 300, MCL 257.617A, 257.625, 257.625M, 257.626, AND 257.904.

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

11 (iii) ~~(vii)~~—Section 29 of the weights and measures act, 1964 PA  
12 283, MCL 290.629 (hindering or obstructing certain persons  
13 performing official weights and measures duties).

14 (iv) ~~(viii)~~—Section 10 of the motor fuels quality act, 1984 PA  
15 44, MCL 290.650 (hindering, obstructing, assaulting, or committing  
16 bodily injury upon director or authorized representative).

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

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

1 ~~—— (xi) Section 80176 of the natural resources and environmental~~  
 2 ~~protection act, 1994 PA 451, MCL 324.80176, and punishable under~~  
 3 ~~section 80177(1)(b) (operating vessel under the influence of~~  
 4 ~~intoxicating liquor or a controlled substance, second or subsequent~~  
 5 ~~offense).~~

6 (v) SECTION 80176 AS PUNISHABLE UNDER SECTION 80177(1)(B)  
 7 (OPERATING VESSEL UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A  
 8 CONTROLLED SUBSTANCE, SECOND OFFENSE), SECTION 81134(5) (OPERATING  
 9 ORV UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED  
 10 SUBSTANCE, SECOND OR SUBSEQUENT OFFENSE), OR SECTION 82127 AS  
 11 PUNISHABLE UNDER SECTION 82128(1)(B) (OPERATING SNOWMOBILE UNDER  
 12 THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,  
 13 SECOND OFFENSE) OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
 14 PROTECTION ACT, 1994 PA 451, MCL 324.80176, 324.80177, 324.81134,  
 15 324.82127, AND 324.82128.

16 (vi) ~~(xii)~~ Section 7403 of the public health code, 1978 PA 368,  
 17 MCL 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED  
 18 SUBSTANCE ANALOGUE, OR PRESCRIPTION FORM).

19 (vii) ~~(xiii)~~ Section 353 of the railroad code of 1993, 1993 PA  
 20 354, MCL 462.353, ~~(operating locomotive under the influence of~~  
 21 ~~intoxicating liquor or a controlled substance, or while visibly~~  
 22 ~~impaired),~~ punishable under subsection (4) of that section  
 23 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR  
 24 A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE).

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

27 ~~—— (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL~~

1 ~~750.81 (assault or domestic assault).~~  
2 ~~—— (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA~~  
3 ~~328, MCL 750.81a (aggravated assault or aggravated domestic~~  
4 ~~assault).~~  
5 ~~—— (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL~~  
6 ~~750.115 (breaking and entering or entering without breaking).~~  
7 ~~—— (xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328,~~  
8 ~~MCL 750.136b (fourth degree child abuse).~~  
9 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~  
10 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~  
11 ~~purposes).~~  
12 ~~—— (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL~~  
13 ~~750.145n (vulnerable adult abuse).~~  
14 ~~—— (xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA~~  
15 ~~328, MCL 750.157b (solicitation to commit a felony).~~  
16 ~~—— (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL~~  
17 ~~750.215 (impersonating peace officer or medical examiner).~~  
18 ~~—— (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL~~  
19 ~~750.223 (illegal sale of a firearm or ammunition).~~  
20 ~~—— (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,~~  
21 ~~MCL 750.224d (illegal use or sale of a self defense spray).~~  
22 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL~~  
23 ~~750.226a (sale or possession of a switchblade).~~  
24 ~~—— (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,~~  
25 ~~MCL 750.227c (improper transportation of a loaded firearm).~~  
26 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~  
27 ~~750.228 (failure to have a pistol inspected).~~

1 ~~—— (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,~~  
2 ~~MCL 750.229 (accepting a pistol in pawn).~~

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

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

10 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~  
11 ~~750.233 (intentionally aiming a firearm without malice).~~

12 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~  
13 ~~750.234 (intentionally discharging a firearm aimed without malice).~~

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

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

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

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

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

27 ~~—— (xxxviii) Section 236 of the Michigan penal code, 1931 PA 328,~~

1 ~~MCL 750.236 (setting a spring gun or other device).~~  
2 ~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL~~  
3 ~~750.237 (possessing a firearm while under the influence of~~  
4 ~~intoxicating liquor or a drug).~~  
5 ~~—— (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL~~  
6 ~~750.237a (weapon free school zone violation).~~  
7 ~~—— (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL~~  
8 ~~750.335a (indecent exposure).~~  
9 ~~—— (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL~~  
10 ~~750.411h (stalking).~~  
11 ~~—— (xliii) Section 520e of the Michigan penal code, 1931 PA 328, MCL~~  
12 ~~750.520e (fourth degree criminal sexual conduct).~~  
13 ~~—— (xliv) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless,~~  
14 ~~or negligent use of a firearm resulting in injury or death).~~  
15 ~~—— (xlv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless,~~  
16 ~~or negligent use of a firearm resulting in property damage).~~  
17 ~~—— (xlvi) Section 3a of 1952 PA 45, MCL 752.863a (reckless~~  
18 ~~discharge of a firearm).~~  
19 **(ix) SECTION 81 (ASSAULT OR DOMESTIC ASSAULT), SECTION 81A(1)**  
20 **OR (2) (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT), SECTION**  
21 **115 (BREAKING AND ENTERING OR ENTERING WITHOUT BREAKING), SECTION**  
22 **136B(8) (FOURTH DEGREE CHILD ABUSE), SECTION 145N (VULNERABLE ADULT**  
23 **ABUSE), SECTION 157B(3) (B) (SOLICITATION TO COMMIT A FELONY),**  
24 **SECTION 215 (IMPERSONATING PEACE OFFICER OR MEDICAL EXAMINER),**  
25 **SECTION 223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION), SECTION 224D**  
26 **(ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY), SECTION 226A (SALE**  
27 **OR POSSESSION OF A SWITCHBLADE), SECTION 227C (IMPROPER**

1 TRANSPORTATION OF A LOADED FIREARM), SECTION 229 (ACCEPTING A  
2 PISTOL IN PAWN), SECTION 232 (FAILURE TO REGISTER THE PURCHASE OF A  
3 FIREARM OR A FIREARM COMPONENT), SECTION 232A (IMPROPERLY OBTAINING  
4 A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A  
5 PISTOL, OR USING FALSE IDENTIFICATION TO PURCHASE A PISTOL),  
6 SECTION 233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE),  
7 SECTION 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT  
8 MALICE), SECTION 234D (POSSESSING A FIREARM ON PROHIBITED  
9 PREMISES), SECTION 234E (BRANDISHING A FIREARM IN PUBLIC), SECTION  
10 234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN 18 YEARS  
11 OF AGE), SECTION 235 (INTENTIONALLY DISCHARGING A FIREARM AIMED  
12 WITHOUT MALICE CAUSING INJURY), SECTION 235A (PARENT OF A MINOR WHO  
13 POSSESSED A FIREARM IN A WEAPON FREE SCHOOL ZONE), SECTION 236  
14 (SETTING A SPRING GUN OR OTHER DEVICE), SECTION 237 (POSSESSING A  
15 FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A  
16 CONTROLLED SUBSTANCE), SECTION 237A (WEAPON FREE SCHOOL ZONE  
17 VIOLATION), SECTION 335A (INDECENT EXPOSURE), SECTION 411H  
18 (STALKING), OR SECTION 520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT)  
19 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,  
20 750.115, 750.136B, 750.145N, 750.157B, 750.215, 750.223, 750.224D,  
21 750.226A, 750.227C, 750.229, 750.232, 750.232A, 750.233, 750.234,  
22 750.234D, 750.234E, 750.234F, 750.235, 750.235A, 750.236, 750.237,  
23 750.237A, 750.335A, 750.411H, AND 750.520E.

24 (x) FORMER SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA  
25 328.

26 (xi) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A  
27 FIREARM RESULTING IN INJURY OR DEATH), SECTION 2 (CARELESS,

1 RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY  
 2 DAMAGE), OR SECTION 3A (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA  
 3 45, MCL 752.861, 752.862, AND 752.863A.

4 (xii) ~~(xvii)~~—A violation of a law of the United States, another  
 5 state, or a local unit of government of this state or another state  
 6 substantially corresponding to a violation described in  
 7 subparagraphs (i) to ~~(xvi)~~ (xi).

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

12 ~~—— (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~  
 13 ~~257.625 (operating under the influence).~~

14 ~~—— (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,~~  
 15 ~~MCL 257.625a (refusal of commercial vehicle operator to submit to a~~  
 16 ~~chemical test).~~

17 ~~—— (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,~~  
 18 ~~MCL 257.625k (ignition interlock device reporting violation).~~

19 ~~—— (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,~~  
 20 ~~MCL 257.625l (circumventing an ignition interlocking device).~~

21 ~~—— (v) Section 625m of the Michigan vehicle code, 1949 PA 300,~~  
 22 ~~MCL 257.625m, punishable under subsection (3) of that section~~  
 23 ~~(operating a commercial vehicle with alcohol content).~~

24 (i) SECTION 625 (OPERATING UNDER THE INFLUENCE), SECTION 625A  
 25 (REFUSAL OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL  
 26 TEST), SECTION 625K (IGNITION INTERLOCK DEVICE REPORTING  
 27 VIOLATION), SECTION 625L (CIRCUMVENTING AN IGNITION INTERLOCK

1 DEVICE), OR SECTION 625M(3) (OPERATING A COMMERCIAL VEHICLE WITH  
2 ALCOHOL CONTENT) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
3 257.625, 257.625A, 257.625K, 257.625L, AND 257.625M.

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

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

10 ~~—— (viii) Section 81135 of the natural resources and environmental  
11 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while  
12 visibly impaired).~~

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

16 (iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), SECTION  
17 81135 (OPERATING ORV WHILE VISIBLY IMPAIRED), OR SECTION 82127  
18 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL  
19 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
20 324.81134, 324.81135, AND 324.82127.

21 (iv) ~~(x)~~—Part 74 of the public health code, 1978 PA 368, MCL  
22 333.7401 to 333.7461 (controlled substance violation).

23 (v) ~~(xi)~~—Section 353 of the railroad code of 1993, 1993 PA 354,  
24 MCL 462.353, ~~(operating locomotive under the influence),~~ punishable  
25 under subsection (3) of that section (OPERATING LOCOMOTIVE UNDER  
26 THE INFLUENCE).

27 ~~—— (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL~~

1 ~~750.167 (disorderly person).~~

2 ~~—— (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL~~

3 ~~750.174 (embezzlement).~~

4 ~~—— (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL~~

5 ~~750.218 (false pretenses with intent to defraud).~~

6 ~~—— (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL~~

7 ~~750.356 (larceny).~~

8 ~~—— (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL~~

9 ~~750.356d (second degree retail fraud).~~

10 ~~—— (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL~~

11 ~~750.359 (larceny vacant building).~~

12 ~~—— (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL~~

13 ~~750.362 (larceny by conversion).~~

14 ~~—— (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL~~

15 ~~750.362a (larceny defrauding lesser).~~

16 ~~—— (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL~~

17 ~~750.377a (malicious destruction of property).~~

18 ~~—— (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL~~

19 ~~750.380 (malicious destruction of real property).~~

20 ~~—— (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL~~

21 ~~750.535 (receiving stolen property).~~

22 ~~—— (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,~~

23 ~~MCL 750.540e (malicious use of telephones).~~

24 **(vi) A SECOND OR SUBSEQUENT VIOLATION OF SECTION 167**

25 **(DISORDERLY PERSON), OR A VIOLATION OF SECTION 174 (EMBEZZLEMENT),**

26 **SECTION 218 (FALSE PRETENSES WITH INTENT TO DEFRAUD), SECTION 356**

27 **(LARCENY), SECTION 356D(2) (SECOND DEGREE RETAIL FRAUD), SECTION**

1 359 (LARCENY FROM A VACANT BUILDING OR STRUCTURE), SECTION 362  
2 (LARCENY BY CONVERSION), SECTION 362A (LARCENY - DEFRAUDING  
3 LESSOR), SECTION 377A (MALICIOUS DESTRUCTION OF PROPERTY), SECTION  
4 380 (MALICIOUS DESTRUCTION OF REAL PROPERTY), SECTION 535  
5 (RECEIVING OR CONCEALING STOLEN PROPERTY), OR SECTION 540E  
6 (MALICIOUS USE OF TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE  
7 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
8 750.356, 750.356D, 750.359, 750.362, 750.362A, 750.377A, 750.380,  
9 750.535, AND 750.540E.

10 (vii) ~~(xiv)~~—A violation of a law of the United States, another  
11 state, or a local unit of government of this state or another state  
12 substantially corresponding to a violation described in  
13 subparagraphs (i) to ~~(xviii)~~-(vi) .

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

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

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

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

25 ~~——(n) Issuing a license to the applicant to carry a concealed~~  
26 ~~pistol in this state is not detrimental to the safety of the~~  
27 ~~applicant or to any other individual. A determination under this~~

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

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

19 (9) An individual, after submitting an application and paying  
20 the fee prescribed under subsection (5), shall request ~~and have~~  
21 **THAT** classifiable fingerprints **BE** taken by the **COUNTY CLERK,**  
22 **DEPARTMENT OF STATE POLICE,** county sheriff, ~~or~~ a local police  
23 agency, **OR OTHER ENTITY** if that ~~local police agency~~ **ENTITY**  
24 maintains fingerprinting capability. If the individual requests  
25 that classifiable fingerprints be taken by **THE COUNTY CLERK,**  
26 **DEPARTMENT OF STATE POLICE, COUNTY SHERIFF,** a local police agency,  
27 **OR OTHER ENTITY,** the individual shall also pay to that ~~local police~~

1 ~~agency-ENTITY~~ a fee of \$15.00 by any method of payment accepted by  
 2 ~~the unit of local government-ENTITY~~ for payments of other fees and  
 3 penalties. The **COUNTY CLERK, DEPARTMENT OF STATE POLICE,** county  
 4 sheriff, ~~or local police agency,~~ **OR OTHER ENTITY** shall take the  
 5 fingerprints within 5 business days after the request. **COUNTY**  
 6 **CLERKS, THE DEPARTMENT OF STATE POLICE, COUNTY SHERIFFS, LOCAL**  
 7 **POLICE AGENCIES, AND OTHER ENTITIES THAT MAINTAIN FINGERPRINTING**  
 8 **CAPABILITY SHALL PROVIDE REASONABLE ACCESS TO FINGERPRINTING**  
 9 **SERVICES DURING NORMAL BUSINESS HOURS AS IS NECESSARY TO COMPLY**  
 10 **WITH THE REQUIREMENTS OF THIS ACT.**

11 (10) The fingerprints shall be taken, under subsection (9), on  
 12 forms and in a manner prescribed by the department of state police.  
 13 The fingerprints **TAKEN BY A COUNTY CLERK, COUNTY SHERIFF, LOCAL**  
 14 **POLICE AGENCY, OR OTHER ENTITY** shall be immediately forwarded to  
 15 the department of state police for comparison with fingerprints  
 16 already on file with the department of state police. The department  
 17 of state police shall **IMMEDIATELY** forward the fingerprints to the  
 18 federal bureau of investigation. Within ~~10-5~~ **BUSINESS** days after  
 19 receiving a ~~report of the fingerprints from the federal bureau of~~  
 20 ~~investigation,~~ **UNDER THIS SECTION,** the department of state police  
 21 shall provide a ~~copy~~ **FINGERPRINT COMPARISON REPORT** to the  
 22 submitting ~~sheriff's department or local police agency-ENTITY~~ as  
 23 appropriate and ~~the clerk of~~ **TO** the appropriate ~~concealed weapon~~  
 24 ~~licensing board.~~ **LICENSING AUTHORITY.** Except as provided in  
 25 subsection (14), the ~~concealed weapon licensing board~~ **LICENSING**  
 26 **AUTHORITY** shall not issue a concealed pistol license until it  
 27 receives the fingerprint comparison report prescribed in this

1 subsection. The ~~concealed weapon licensing board~~ **LICENSING**  
2 **AUTHORITY** may deny a license if an individual's fingerprints are  
3 not classifiable by the federal bureau of investigation **AND A**  
4 **REPORT CANNOT BE OBTAINED BASED ON THE INDIVIDUAL'S NAME, DATE OF**  
5 **BIRTH, AND OTHER IDENTIFYING INFORMATION.**

6 (11) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
7 shall deny a license to an applicant to carry a concealed pistol if  
8 the applicant is not qualified under subsection (7) to receive that  
9 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~~ **LICENSING AUTHORITY** shall issue or deny  
15 issuance of a license within 45 days after the ~~concealed weapon~~  
16 ~~licensing board receives the fingerprint comparison report provided~~  
17 ~~under subsection (10)~~ **DATE THE APPLICANT HAS CLASSIFIABLE**  
18 **FINGERPRINTS TAKEN UNDER SUBSECTION (9).** If the ~~concealed weapon~~  
19 ~~licensing board~~ **LICENSING AUTHORITY** denies issuance of a license to  
20 carry a concealed pistol, the ~~concealed weapon licensing board~~  
21 **LICENSING AUTHORITY** shall within 5 business days do both of the  
22 following:

23 (a) Inform the applicant in writing of the reasons for the  
24 denial. Information under this subdivision shall include all of the  
25 following:

26 (i) A statement of the specific and articulable facts  
27 supporting the denial.

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

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

5 ~~(14) If the fingerprint comparison report is not received by~~  
6 ~~the concealed weapon licensing board within 60 days after the~~  
7 ~~fingerprint report is forwarded to the department of state police~~  
8 ~~by the federal bureau of investigation, the concealed weapon~~

9 ~~licensing board~~ **IF A LICENSE IS NOT GRANTED OR DENIED UNDER**  
10 **SUBSECTION (13) WITHIN 45 DAYS AFTER THE DATE THE APPLICANT HAS**  
11 **CLASSIFIABLE FINGERPRINTS TAKEN UNDER SUBSECTION (9), THE LICENSING**  
12 **AUTHORITY shall, issue a temporary license to carry a concealed**  
13 **pistol to the applicant if the applicant is otherwise qualified for**  
14 **a license. WITHIN 5 BUSINESS DAYS, ISSUE BY MAIL A TEMPORARY**

15 **LICENSE TO CARRY A CONCEALED PISTOL TO THE APPLICANT.** A temporary  
16 license issued under this section is valid ~~for~~ **UNTIL THE EXPIRATION**  
17 **OF 180 days AFTER THE DATE THE TEMPORARY LICENSE IS ISSUED** or until  
18 ~~the concealed weapon licensing board receives the fingerprint~~  
19 ~~comparison report provided under subsection (10) and~~ **LICENSING**

20 **AUTHORITY** issues or denies issuance of a license to carry a  
21 concealed pistol as otherwise provided under this act, **WHICHEVER**  
22 **OCCURS FIRST. A TEMPORARY LICENSE ISSUED UNDER THIS SUBSECTION**

23 **SHALL STATE ON ITS FACE THAT IT IS A TEMPORARY LICENSE.** 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.~~ LICENSING AUTHORITY BY MAIL OR IN  
2 PERSON. THE LICENSING AUTHORITY SHALL NOT CHARGE A FEE FOR ISSUING  
3 A LICENSE TO CARRY A CONCEALED PISTOL IF THE TEMPORARY LICENSE WAS  
4 SURRENDERED AS REQUIRED UNDER THIS SUBSECTION.

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

11 (16) If a ~~concealed weapons licensing board~~ CIRCUIT COURT  
12 suspends or revokes a license issued under this act, the license is  
13 forfeited and shall be returned to the ~~concealed weapon licensing~~  
14 ~~board~~ LICENSING AUTHORITY forthwith. A LICENSING AUTHORITY SHALL  
15 RETAIN A SUSPENDED OR REVOKED LICENSE AS AN OFFICIAL RECORD 1 YEAR  
16 AFTER THE EXPIRATION OF THE LICENSE OR, IF THE LICENSE IS  
17 REINSTATED, THE LICENSING AUTHORITY MAY DESTROY THE RECORD. An  
18 individual who fails to return a license as required under this  
19 subsection after he or she was notified that his or her license was  
20 suspended or revoked is guilty of a misdemeanor punishable by  
21 imprisonment for not more than 93 days or a fine of not more than  
22 \$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~~ LICENSING AUTHORITY from making public and  
2 distributing to the public at no cost lists of individuals who are  
3 certified as qualified instructors as prescribed under section 5j.

4 (19) A COUNTY CLERK ISSUING AN INITIAL LICENSE, RENEWAL  
5 LICENSE, TEMPORARY LICENSE, OR REPLACEMENT LICENSE UNDER THIS ACT  
6 SHALL MAIL THE LICENSE TO THE LICENSEE BY FIRST-CLASS MAIL IN A  
7 SEALED ENVELOPE. HOWEVER, A COUNTY CLERK ISSUING A REINSTATED  
8 LICENSE TO AN INDIVIDUAL WHOSE LICENSE WAS SUSPENDED SHALL MAIL THE  
9 REINSTATED LICENSE IN THE MANNER DESCRIBED IN THIS SUBSECTION, OR  
10 PROVIDE THE REINSTATED LICENSE TO THE INDIVIDUAL IN PERSON ONLY  
11 UPON THE PAYMENT OF THE FEE UNDER SECTION 8(6). THIS SUBSECTION  
12 DOES NOT PROHIBIT A LICENSING AUTHORITY FROM ISSUING A REPLACEMENT  
13 LICENSE IN PERSON AT THE TIME OF APPLICATION FOR A REPLACEMENT  
14 LICENSE.

15 (20) A LICENSING AUTHORITY OR THE DEPARTMENT OF STATE POLICE  
16 IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ISSUANCE OF A  
17 LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER COMMITS A CRIME  
18 OR A NEGLIGENT ACT.

19 (21) ~~(19)~~ As used in this section:

20 (a) "Convicted" means a final conviction, the payment of a  
21 fine, a plea of guilty or nolo contendere if accepted by the court,  
22 or a finding of guilt for a criminal law violation or a juvenile  
23 adjudication or disposition by the juvenile division of probate  
24 court or family division of circuit court for a violation that if  
25 committed by an adult would be a crime.

26 (b) "Felony" means that term as defined in section 1 of  
27 chapter I of the code of criminal procedure, 1927 PA 175, MCL

1 761.1, or a violation of a law of the United States or another  
2 state that is designated as a felony or that is punishable by death  
3 or by imprisonment for more than 1 year.

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

8 (d) "Misdemeanor" means a violation of a penal law of this  
9 state or violation of a local ordinance substantially corresponding  
10 to a violation of a penal law of this state that is not a felony or  
11 a violation of an order, rule, or regulation of a state agency that  
12 is punishable by imprisonment or a fine that is not a civil fine,  
13 or both.

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

17 Sec. 5c. (1) A license to carry a concealed pistol shall be in  
18 a form, with the same dimensions as a Michigan operator license,  
19 prescribed by the department of state police. **BEGINNING JANUARY 1,**  
20 **2015, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**  
21 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**  
22 **UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00**  
23 **MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE**  
24 **LICENSING AUTHORITY ALSO PROVIDES THE OPTION OF OBTAINING A PLASTIC**  
25 **LAMINATED PAPER LICENSE AT NO CHARGE.** The license shall contain all  
26 of the following:

27 (a) The licensee's full name and date of birth.

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

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

3 (d) An indication of exceptions authorized by this act  
4 applicable to the licensee.

5 (e) An indication whether the license is a duplicate.

6 (2) Subject to section 5o and except as otherwise provided by  
7 law, a license to carry a concealed pistol issued by the ~~county~~  
8 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** authorizes the  
9 licensee to do all of the following:

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

12 (b) Carry a pistol in a vehicle, whether concealed or not  
13 concealed, anywhere in this state.

14 Sec. 5d. (1) If the ~~concealed weapon licensing board~~ **LICENSING**  
15 **AUTHORITY** denies issuance of a license to carry a concealed pistol,  
16 or fails to issue that license as provided in this act, the  
17 applicant may appeal the denial or the failure to issue the license  
18 to the circuit court in the judicial circuit in which he or she  
19 resides. The appeal of the denial or failure to issue a license  
20 shall be determined by a review of the record for error. ~~, except~~  
21 ~~that if the decision of the concealed weapon licensing board was~~  
22 ~~based upon grounds specified in section 5b(7)(n) that portion of~~  
23 ~~the appeal shall be by hearing de novo. Witnesses in the hearing~~  
24 ~~shall be sworn. A jury shall not be provided in a hearing under~~  
25 ~~this section.~~

26 (2) If the court determines that the denial or failure to  
27 issue a license was clearly erroneous **OR WAS ARBITRARY AND**

1 **CAPRICIOUS**, the court shall order the ~~concealed weapon licensing~~  
2 ~~board~~ **LICENSING AUTHORITY** to issue a license as required by this  
3 act.

4 (3) If the court **UNDER SUBSECTION (2)** determines that the  
5 ~~decision of the concealed weapon licensing board to deny issuance~~  
6 ~~of~~ **DENIAL OR FAILURE TO ISSUE** a license to an applicant was **CLEARLY**  
7 **ERRONEOUS OR WAS** arbitrary and capricious, the court shall order  
8 ~~this state to pay 1/3 and the county in which the concealed weapon~~  
9 ~~licensing board is located~~ **LICENSING AUTHORITY OR THE STATE** to pay  
10 ~~2/3 of~~ the actual costs and actual attorney fees of the applicant  
11 in appealing the denial, **ACCORDING TO THE LICENSING AUTHORITY OR**  
12 **STATE'S DEGREE OF RESPONSIBILITY IN THE DENIAL OR FAILURE TO ISSUE**  
13 **A LICENSE.**

14 ~~—— (4) If the court determines that an applicant's appeal was~~  
15 ~~frivolous, the court shall order the applicant to pay the actual~~  
16 ~~costs and actual attorney fees of the concealed weapon licensing~~  
17 ~~board in responding to the appeal.~~

18 Sec. 5e. (1) The department of state police shall create and  
19 maintain a computerized database of individuals who apply under  
20 this act for a license to carry a concealed pistol. The database  
21 shall contain only the following information as to each individual:

22 (a) The individual's name, date of birth, address, and county  
23 of residence.

24 (b) If the individual is licensed to carry a concealed pistol  
25 in this state, the license number, and date of expiration.

26 (c) Except as provided in subsection (2), if the individual  
27 was denied a license to carry a concealed pistol after ~~the~~

1 ~~effective date of the amendatory act that added this subdivision,~~  
2 **JULY 1, 2001**, a statement of the reasons for that denial.

3 (d) A statement of all criminal charges pending and criminal  
4 convictions obtained against the individual during the license  
5 period.

6 (e) A statement of all determinations of responsibility for  
7 civil infractions of this act pending or obtained against the  
8 individual during the license period.

9 (2) If an individual who was denied a license to carry a  
10 concealed pistol after ~~the effective date of the amendatory act~~  
11 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a  
12 license to carry a concealed pistol, the department of state police  
13 shall delete from the computerized database the previous reasons  
14 for the denial.

15 (3) The department of state police shall enter the information  
16 described in subsection (1) (a) and (b) into the law enforcement  
17 information network.

18 (4) Information in the database, compiled under subsections  
19 (1) through (3), is confidential, is not subject to disclosure  
20 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
21 15.246, and shall not be disclosed to any person except for  
22 purposes of this act or for law enforcement purposes. The  
23 information compiled under subsection (5) is subject to disclosure  
24 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
25 15.246.

26 (5) The department of state police shall file an annual report  
27 with the secretary of the senate and the clerk of the house of

1 representatives setting forth all of the following information for  
2 ~~each county concealed weapon licensing board.~~ **A LICENSING AUTHORITY:**

3 (a) The number of concealed pistol applications received.

4 (b) The number of concealed pistol licenses issued.

5 (c) The number of concealed pistol licenses denied.

6 (d) Categories for denial under subdivision (c).

7 (e) The number of concealed pistol licenses **SUSPENDED OR**  
8 **revoked.**

9 (f) Categories for **SUSPENSION OR** revocation under subdivision  
10 (e).

11 (g) The number of applications pending at the time the report  
12 is made.

13 (h) The mean and median amount of time and the longest and  
14 shortest amount of time used by the federal bureau of investigation  
15 to supply the fingerprint comparison report required in section  
16 ~~5b(11).~~ **5B(10)**. The department may use a statistically significant  
17 sample to comply with this subdivision.

18 (i) The number of charges of state civil infractions of this  
19 act or charges of criminal violations, categorized by offense,  
20 filed against individuals licensed to carry a concealed pistol that  
21 resulted in a finding of responsibility or a criminal conviction.  
22 The report shall indicate the number of crimes in each category of  
23 criminal offense that involved the brandishing or use of a pistol,  
24 the number that involved the carrying of a pistol by the license  
25 holder during the commission of the crime, and the number in which  
26 no pistol was carried by the license holder during the commission  
27 of the crime. **THE REPORT SHALL ALSO INDICATE THE TOTAL NUMBER OF**

1 INDIVIDUALS CHARGED, THE TOTAL NUMBER OF THOSE INDIVIDUALS FOUND  
2 RESPONSIBLE OR CONVICTED, AND THE TOTAL NUMBER OF CHARGES DISMISSED  
3 OR INDIVIDUALS ACQUITTED.

4 (j) The number of pending criminal charges, categorized by  
5 offense, against individuals licensed to carry a concealed pistol.

6 (k) The number of criminal cases dismissed, categorized by  
7 offense, against individuals licensed to carry a concealed pistol.

8 (l) The number of cases filed against individuals licensed to  
9 carry a concealed pistol for criminal violations that resulted in a  
10 finding of not responsible or not guilty, categorized by offense.

11 (m) For the purposes of subdivisions (i), (j), (k), and (l),  
12 the department of state police shall use the data provided under  
13 section 5m.

14 (n) The number of suicides by individuals licensed to carry a  
15 concealed pistol.

16 (o) Actual costs incurred per permit for each county.

17 Sec. 5f. (1) An individual who is licensed under this act to  
18 carry a concealed pistol shall have his or her license to carry  
19 that pistol in his or her possession at all times he or she is  
20 carrying a concealed pistol or a portable device that uses electro-  
21 muscular disruption technology.

22 (2) An individual who is licensed under this act to carry a  
23 concealed pistol and who is carrying a concealed pistol or a  
24 portable device that uses electro-muscular disruption technology  
25 shall show both of the following to a peace officer upon request  
26 **FOR IDENTIFICATION** by that peace officer:

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

1 (b) His or her driver license or Michigan personal  
2 identification card.

3 (3) An individual licensed under this act to carry a concealed  
4 pistol and who is carrying a concealed pistol or a portable device  
5 that uses electro-muscular disruption technology and who is stopped  
6 by a peace officer shall ~~immediately~~ **UPON REQUEST BY THAT PEACE**  
7 **OFFICER** disclose to the peace officer that he or she is carrying a  
8 pistol or a portable device that uses electro-muscular disruption  
9 technology concealed upon his or her person or in his or her  
10 vehicle.

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

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

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

19 (b) For a subsequent offense within 3 years of a prior  
20 offense, by a fine of not more than \$1,000.00 and by the  
21 individual's license to carry a concealed pistol being revoked.

22 (6) If an individual is found responsible for a state civil  
23 infraction under this section, the court shall notify the  
24 department of state police and the ~~concealed weapon~~ licensing board  
25 **AUTHORITY** that issued the license of that determination.

26 (7) A pistol or portable device that uses electro-muscular  
27 disruption technology carried in violation of this section is

1 subject to immediate seizure by a peace officer. If a peace officer  
2 seizes a pistol or portable device that uses electro-muscular  
3 disruption technology under this subsection, the individual has 45  
4 days in which to display his or her license or documentation to an  
5 authorized employee of the law enforcement entity that employs the  
6 peace officer. If the individual displays his or her license or  
7 documentation to an authorized employee of the law enforcement  
8 entity that employs the peace officer within the 45-day period, the  
9 authorized employee of that law enforcement entity shall return the  
10 pistol or portable device that uses electro-muscular disruption  
11 technology to the individual unless the individual is prohibited by  
12 law from possessing a firearm or portable device that uses electro-  
13 muscular disruption technology. If the individual does not display  
14 his or her license or documentation within the 45-day period, the  
15 pistol or portable device that uses electro-muscular disruption  
16 technology is subject to forfeiture as provided in section 5g. A  
17 pistol or portable device that uses electro-muscular disruption  
18 technology is not subject to immediate seizure under this  
19 subsection if both of the following circumstances exist:

20 (a) The individual has his or her driver license or Michigan  
21 personal identification card in his or her possession when the  
22 violation occurs.

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

26 (8) As used in this section, "peace officer" includes a motor  
27 carrier officer appointed under section 6d of 1935 PA 59, MCL

1 28.6d, and security personnel employed by the state under section  
2 6c of 1935 PA 59, MCL 28.6c.

3 Sec. 5j. (1) A pistol training or safety program described in  
4 section 5b(7)(c) meets the requirements for knowledge or training  
5 in the safe use and handling of a pistol only if the ~~program~~  
6 ~~consists~~ **TRAINING WAS PROVIDED WITHIN 5 YEARS PRECEDING THE DATE OF**  
7 **APPLICATION AND CONSISTED** of not less than 8 hours of instruction  
8 and all of the following conditions are met:

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

13 (i) The safe storage, use, and handling of a pistol including,  
14 but not limited to, safe storage, use, and handling to protect  
15 child safety.

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

18 (iii) Pistol shooting positions.

19 (iv) Firearms and the law, including civil liability issues and  
20 the use of deadly force. This portion shall be taught by an  
21 attorney or an individual trained in the use of deadly force.

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

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

26 (b) The program provides at least 3 hours of instruction on a  
27 firing range and requires firing at least 30 rounds of ammunition.

1 (c) The program provides a certificate of completion that  
2 states the program complies with the requirements of this section  
3 and that the individual successfully completed the course, and that  
4 contains the printed name and signature of the course instructor.  
5 ~~Not later than October 1, 2004, the~~ ~~THE~~ certificate of completion  
6 shall contain the statement, "This course complies with section 5j  
7 of 1927 PA 372.". **FOR CERTIFICATES ISSUED ON OR AFTER JANUARY 1,**  
8 **2015, EACH CERTIFICATE SHALL ALSO CONTAIN BOTH OF THE FOLLOWING,**  
9 **WHICH SHALL BE PRINTED ON THE FACE OF THE CERTIFICATE OR ATTACHED**  
10 **IN A SEPARATE DOCUMENT:**

11 (i) **THE INSTRUCTOR'S NAME AND ADDRESS, AND TELEPHONE NUMBER IF**  
12 **AVAILABLE.**

13 (ii) **THE NAME AND TELEPHONE NUMBER OF THE STATE AGENCY OR A**  
14 **STATE OR NATIONAL FIREARMS TRAINING ORGANIZATION THAT HAS CERTIFIED**  
15 **THE INDIVIDUAL AS AN INSTRUCTOR FOR PURPOSES OF THIS SECTION, HIS**  
16 **OR HER INSTRUCTOR CERTIFICATION NUMBER, IF ANY, AND THE EXPIRATION**  
17 **DATE OF THAT CERTIFICATION.**

18 (d) The instructor of the course is certified by this state or  
19 a **STATE OR** national **FIREARMS TRAINING** organization to teach the ~~8-~~  
20 ~~hour~~-pistol safety training ~~course~~-**COURSES** described in this  
21 section. **THE LICENSING AUTHORITY SHALL NOT REQUIRE ANY OTHER**  
22 **CERTIFICATION.**

23 (2) **A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS**  
24 **UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED**  
25 **MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE**  
26 **APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT**  
27 **THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.**

1           (3) ~~(2)~~—A person shall not do either of the following:

2           (a) Grant a certificate of completion described under  
3 subsection (1)(c) to an individual knowing the individual did not  
4 satisfactorily complete the course.

5           (b) Present a certificate of completion described under  
6 subsection (1)(c) to a ~~concealed weapon licensing board~~ **LICENSING**  
7 **AUTHORITY** knowing that the individual did not satisfactorily  
8 complete the course.

9           (4) ~~(3)~~—A person who violates subsection ~~(2)~~ **(3)** is guilty of  
10 a felony punishable by imprisonment for not more than 4 years or a  
11 fine of not more than \$2,500.00, or both.

12           (5) ~~(4)~~—A ~~concealed weapons licensing board~~ **LICENSING**  
13 **AUTHORITY** shall not require that a specific form, color, wording,  
14 or other content appear on a certificate of completion, ~~except as~~  
15 ~~provided in subsection (5), and shall accept as valid a certificate~~  
16 ~~of completion issued prior to the effective date of the amendatory~~  
17 ~~act that added this subsection that contains an inaccurate~~  
18 ~~reference or no reference to this section but otherwise complies~~  
19 ~~with this section.~~ **EXCEPT AS OTHERWISE REQUIRED UNDER THIS ACT.**

20           ~~—(5) Beginning October 1, 2004, a concealed weapons licensing~~  
21 ~~board shall require that a certificate of completion contain the~~  
22 ~~statement, "This course complies with section 5j of 1927 PA 372."~~

23           Sec. 5k. (1) Acceptance of a license issued under this act to  
24 carry a concealed pistol constitutes implied consent to submit to a  
25 chemical analysis under this section. This section also applies to  
26 individuals listed in section 12a.

27           (2) An individual shall not carry a concealed pistol or

1 portable device that uses electro-muscular disruption technology  
2 while he or she is under the influence of alcoholic liquor or a  
3 controlled substance or while having a bodily alcohol content  
4 prohibited under this section. An individual who violates this  
5 section is responsible for a state civil infraction or guilty of a  
6 crime as follows:

7 (a) If the person was under the influence of alcoholic liquor  
8 or a controlled substance or a combination of alcoholic liquor and  
9 a controlled substance, or had a bodily alcohol content of .10 or  
10 more grams per 100 milliliters of blood, per 210 liters of breath,  
11 or per 67 milliliters of urine, the individual is guilty of a  
12 misdemeanor punishable by imprisonment for not more than 93 days or  
13 \$100.00, or both. The court shall order the ~~concealed weapon~~  
14 ~~licensing board that issued the individual a license to carry a~~  
15 ~~concealed pistol~~ **AUTHORITY** to permanently revoke the license. The  
16 ~~concealed weapon licensing board~~ **AUTHORITY** shall permanently revoke  
17 the license as ordered by the court.

18 (b) If the person had a bodily alcohol content of .08 or more  
19 but less than .10 grams per 100 milliliters of blood, per 210  
20 liters of breath, or per 67 milliliters of urine, the individual is  
21 guilty of a misdemeanor punishable by imprisonment for not more  
22 than 93 days or \$100.00, or both. The court may order the ~~concealed~~  
23 ~~weapon licensing board that issued the individual a license to~~  
24 ~~carry a concealed pistol~~ **AUTHORITY** to ~~revoke~~ **SUSPEND** the license  
25 for not more than 3 years. The ~~concealed weapon licensing board~~  
26 **AUTHORITY** shall ~~revoke~~ **SUSPEND** the license as ordered by the court.

27 (c) If the person had a bodily alcohol content of .02 or more

1 but less than .08 grams per 100 milliliters of blood, per 210  
2 liters of breath, or per 67 milliliters of urine, the individual is  
3 responsible for a state civil infraction and may be fined not more  
4 than \$100.00. The court may order the ~~concealed weapon~~-licensing  
5 ~~board that issued the individual the license~~ **AUTHORITY** to ~~revoke~~  
6 **SUSPEND** the license for 1 year. The ~~concealed weapon~~-licensing  
7 ~~board~~ **AUTHORITY** shall ~~revoke~~ **SUSPEND** the license as ordered by the  
8 court. The court shall notify the ~~concealed weapon~~-licensing ~~board~~  
9 ~~that issued the individual a license to carry a concealed pistol~~  
10 **AUTHORITY** if an individual is found responsible for a subsequent  
11 violation of this subdivision.

12 (3) This section does not prohibit an individual licensed  
13 under this act to carry a concealed pistol who has any bodily  
14 alcohol content from doing any of the following:

15 (a) Transporting that pistol in the locked trunk of his or her  
16 motor vehicle or another motor vehicle in which he or she is a  
17 passenger or, if the vehicle does not have a trunk, from  
18 transporting that pistol unloaded in a locked compartment or  
19 container that is separated from the ammunition for that pistol.

20 (b) Transporting that pistol on a vessel if the pistol is  
21 transported unloaded in a locked compartment or container that is  
22 separated from the ammunition for that pistol.

23 (c) Transporting a portable device using electro-muscular  
24 disruption technology in the locked trunk of his or her motor  
25 vehicle or another motor vehicle in which he or she is a passenger,  
26 or, if the vehicle does not have a trunk, from transporting that  
27 portable device in a locked compartment or container.

1 (d) Transporting a portable device using electro-muscular  
2 disruption technology on a vessel if the portable device is  
3 transported in a locked compartment or container.

4 (4) A peace officer who has probable cause to believe an  
5 individual is carrying a concealed pistol or a portable device  
6 using electro-muscular disruption technology in violation of this  
7 section may require the individual to submit to a chemical analysis  
8 of his or her breath, blood, or urine.

9 (5) Before an individual is required to submit to a chemical  
10 analysis under subsection (4), the peace officer shall inform the  
11 individual of all of the following:

12 (a) The individual may refuse to submit to the chemical  
13 analysis, but if he or she chooses to do so, all of the following  
14 apply:

15 (i) The officer may obtain a court order requiring the  
16 individual to submit to a chemical analysis.

17 (ii) The refusal may result in his or her license to carry a  
18 concealed pistol being suspended or revoked.

19 (b) If the individual submits to the chemical analysis, he or  
20 she may obtain a chemical analysis described in subsection (4) from  
21 a person of his or her own choosing.

22 (6) The collection and testing of breath, blood, and urine  
23 specimens under this section shall be conducted in the same manner  
24 that breath, blood, and urine specimens are collected and tested  
25 for alcohol- and controlled-substance-related driving violations  
26 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

27 (7) If a person refuses to take a chemical test authorized

1 under this section, the peace officer shall promptly report the  
 2 refusal in writing to the ~~concealed weapon~~-licensing board  
 3 **AUTHORITY** that issued the license to the individual to carry a  
 4 concealed pistol.

5 (8) If a person takes a chemical test authorized under this  
 6 section and the test results indicate that the individual had any  
 7 bodily alcohol content while carrying a concealed pistol, the peace  
 8 officer shall promptly report the violation in writing to the  
 9 ~~concealed weapon~~-licensing board ~~that issued the license to the~~  
 10 ~~individual to carry a concealed pistol.~~**AUTHORITY.**

11 (9) As used in this section:

12 (a) "Alcoholic liquor" means that term as defined in section  
 13 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
 14 436.1105.

15 (b) "Controlled substance" means that term as defined in  
 16 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

17 (c) **"UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED**  
 18 **SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A**  
 19 **PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT**  
 20 **PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION**  
 21 **OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.**

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 (1) ~~(2) An initial~~ **A license to carry a concealed pistol,**  
 25 ~~issued or renewed on or after July 1, 2006, other than a license~~  
 26 ~~described in subsection (1),~~ **INCLUDING A RENEWAL LICENSE,** is valid  
 27 until the applicant's date of birth that falls not less than 4

1 years or more than 5 years after the license is issued or renewed,  
2 as applicable. THE LICENSING AUTHORITY SHALL NOTIFY THE LICENSEE  
3 THAT HIS OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE RENEWED AS  
4 PROVIDED IN THIS SECTION. THE NOTIFICATION SHALL BE SENT BY THE  
5 LICENSING AUTHORITY TO THE LAST KNOWN ADDRESS OF THE LICENSEE AS  
6 SHOWN ON THE RECORDS OF THE LICENSING AUTHORITY. THE NOTIFICATION  
7 SHALL BE SENT IN A SEALED ENVELOPE BY FIRST-CLASS MAIL NOT LESS  
8 THAN 3 MONTHS OR MORE THAN 6 MONTHS BEFORE THE EXPIRATION DATE OF  
9 THE CURRENT LICENSE. Except as provided in subsections ~~(8)~~—(6) and  
10 ~~(9)~~,—(7), a renewal of a license under section 5b shall, except as  
11 provided in this section, be issued in the same manner as an  
12 original license issued under section 5b. AN APPLICANT IS ELIGIBLE  
13 FOR A RENEWAL OF A LICENSE UNDER THIS SECTION IF HIS OR HER LICENSE  
14 IS NOT EXPIRED, OR EXPIRED WITHIN A 5-YEAR PERIOD BEFORE THE DATE  
15 OF APPLICATION UNDER THIS SECTION. A LICENSE HELD BY A LICENSEE  
16 SERVING IN THE UNITED STATES ARMED FORCES, THE UNITED STATES ARMED  
17 FORCES RESERVE, OR THE MICHIGAN NATIONAL GUARD THAT EXPIRES WHILE  
18 THE LICENSEE IS ON OFFICIAL ASSIGNMENT OR DEPLOYMENT ORDERS OUTSIDE  
19 OF THIS STATE OR THE CONTINENTAL UNITED STATES IS AUTOMATICALLY  
20 EXTENDED UNTIL 60 DAYS AFTER THE END DATE OF THE ASSIGNMENT OR  
21 DEPLOYMENT AS PROVIDED IN THE LICENSEE'S ASSIGNMENT OR DEPLOYMENT  
22 ORDERS. A LICENSEE WHO RECEIVES AN EXTENSION UNDER THIS SUBSECTION  
23 SHALL HAVE HIS OR HER ASSIGNMENT OR DEPLOYMENT ORDERS IN HIS OR HER  
24 POSSESSION WHILE CARRYING A CONCEALED PISTOL DURING THE 60-DAY  
25 EXTENSION PERIOD. THE 60-DAY EXTENSION PROVIDED UNDER THIS  
26 SUBSECTION DOES NOT APPLY TO A LICENSE FOR A PISTOL UNDER SECTION  
27 2.

1           (2) ~~(3)~~ Subject to subsections ~~(8)~~ **(6)** and ~~(9)~~, **(7)**, an  
2 application to renew a license to carry a concealed pistol may be  
3 submitted not more than 6 months before the expiration of the  
4 current license. If the ~~concealed weapon licensing board~~ **AUTHORITY**  
5 approves the renewal, the effective date of the renewal license is  
6 the date of expiration of the current license or the date of  
7 approval of the renewal, whichever is later, and the date of  
8 expiration is the applicant's date of birth which is not less than  
9 4 years or more than 5 years from the effective date of the  
10 license.

11           (3) ~~(4)~~ The ~~concealed weapon licensing board~~ **AUTHORITY** shall  
12 issue or deny issuance of a renewal license within ~~60~~ **45** days after  
13 the **DATE OF** application for renewal, ~~is properly submitted.~~ **OR IF**  
14 **REQUIRED FOR RENEWAL, THE SUBMISSION OF CLASSIFIABLE FINGERPRINTS**  
15 **TAKEN UNDER SECTION 5B(9)**. The county clerk shall issue the  
16 applicant a receipt for his or her renewal application at the time  
17 the application is submitted. The receipt shall contain all of the  
18 following:

- 19           (a) The name of the applicant.  
20           (b) The date and time the receipt is issued.  
21           (c) The amount paid.  
22           (d) A statement that the receipt is for a license renewal.  
23           (e) A statement of whether the applicant qualifies for an  
24 extension under subsection ~~(5)~~ **(4)**.  
25           (f) The name of the county in which the receipt is issued.  
26           (g) An impression of the county seal.  
27           (4) ~~(5)~~ If the ~~concealed weapon licensing board~~ **AUTHORITY**

1 fails to deny or issue a renewal license to the person within ~~60~~45  
2 days as required under subsection ~~(4)~~(3), the expiration date of  
3 the current license is extended by 180 days or until the renewal  
4 license is issued, whichever occurs first. ~~This subsection does not~~  
5 ~~apply unless the person pays the renewal fee at the time the~~  
6 ~~renewal application is submitted and the person has submitted a~~  
7 ~~receipt from a police agency that confirms that a background check~~  
8 ~~has been requested by the applicant.~~

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

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

23 (6) ~~(8)~~The educational requirements under section 5b(7)(c)  
24 for an applicant who is applying for a renewal of a license under  
25 this act are waived except that the applicant shall certify that he  
26 or she has completed at least 3 hours' review of the training  
27 described under section 5b(7)(c) and has had at least 1 hour of

1 firing range time in the 6 months immediately preceding the  
2 subsequent application. **THE EDUCATIONAL AND FIRING RANGE**  
3 **REQUIREMENTS OF THIS SUBSECTION ARE MET IF THE APPLICANT CERTIFIES**  
4 **ON THE RENEWAL APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH**  
5 **THE REQUIREMENTS OF THIS SUBSECTION. THE LICENSING AUTHORITY SHALL**  
6 **NOT OTHERWISE REQUIRE VERIFICATION OF THE STATEMENTS MADE UNDER**  
7 **THIS SUBSECTION AND SHALL NOT REQUIRE AN APPLICANT TO OBTAIN A**  
8 **CERTIFICATE OR UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS**  
9 **SUBSECTION.**

10 (7) ~~(9) Beginning January 1, 2007, an~~ **AN** applicant who is  
11 applying for a renewal of a license issued under section 5b is not  
12 required to have fingerprints taken again under section 5b(9) if  
13 all of the following conditions have been met:

14 (a) There has been established a system for the department of  
15 state police to save and maintain in its automated fingerprint  
16 identification system (AFIS) database all fingerprints that are  
17 submitted to the department of state police under section 5b.

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

22 Sec. 5m. ~~A prosecuting attorney~~ **THE DEPARTMENT OF STATE POLICE**  
23 shall promptly notify the ~~county concealed weapon~~ licensing board  
24 **AUTHORITY OF THE COUNTY** that issued the license of a criminal  
25 charge against a license holder for a felony or specified criminal  
26 offense as defined in this act. The ~~prosecuting attorney~~ **DEPARTMENT**  
27 **OF STATE POLICE** shall promptly notify the ~~county concealed weapon~~

1 ~~licensing board~~ **LICENSING AUTHORITY OF THE COUNTY** that issued the  
2 license of the disposition of the criminal charge. If a license  
3 holder is convicted of a crime, the **LICENSING AUTHORITY SHALL**  
4 **REQUEST THE** prosecuting attorney's notification shall ~~ATTORNEY TO~~  
5 indicate if the crime involved the brandishing or use of a pistol,  
6 if a pistol was carried by the license holder during the commission  
7 of the crime, or if no pistol was carried by the license holder  
8 during the commission of the crime. The state police shall provide  
9 a form for reporting purposes. ~~Each year by a date determined by~~  
10 ~~the director of the department of state police, the chairperson of~~  
11 ~~the county concealed weapon licensing board shall compile and~~  
12 ~~provide a report to the department of state police in a format~~  
13 ~~determined by the director of the department of state police~~  
14 ~~containing the information provided to the concealed weapon~~  
15 ~~licensing board under this section, section 5f(6), or section 5k(7)~~  
16 ~~or (8).~~

17       **SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL**  
18 **LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED UNDER THIS ACT.**  
19 **THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE CONCEALED**  
20 **PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND INTEREST AND**  
21 **EARNINGS FROM FUND INVESTMENTS.**

22       **(2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING**  
23 **FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND**  
24 **ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN**  
25 **APPROPRIATION. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL**  
26 **LICENSING FUND SHALL BE USED BY THE COUNTY CLERK AS THE LICENSING**  
27 **AUTHORITY ONLY FOR THE COST OF ADMINISTERING THIS ACT. ALLOWABLE**

1 EXPENDITURES INCLUDE, BUT ARE NOT LIMITED TO, ANY OF THE FOLLOWING  
2 COSTS OF THE COUNTY CLERK AS THE LICENSING AUTHORITY:

3 (A) STAFFING REQUIREMENTS.

4 (B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE  
5 FINGERPRINTS BY ELECTRONIC MEANS.

6 (C) OFFICE SUPPLIES.

7 (D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM  
8 UPGRADES.

9 Sec. 8. (1) ~~The concealed weapon licensing board that issued a~~  
10 ~~license to an individual to carry a concealed pistol~~ **CIRCUIT COURT**  
11 may **SUSPEND OR** revoke ~~that~~ **A license AS PERMITTED UNDER THIS ACT** if  
12 the ~~board~~ **COURT** determines that the individual committed any  
13 violation of this act other than a violation of section 5f(4). If  
14 the ~~board~~ **COURT** determines that the individual has been found  
15 responsible for 3 or more state civil infraction violations of this  
16 act during the license period, the ~~board~~ **COURT** shall conduct a  
17 hearing and may suspend the individual's license for not more than  
18 1 year.

19 (2) Except as provided in subsections (3) ~~, OR (4), and (5),~~ a  
20 license shall not be **SUSPENDED OR** revoked under this section except  
21 upon written complaint and an opportunity for a hearing. ~~before the~~  
22 ~~board.~~ The ~~board~~ **COURT** shall give the individual at least 10 days'  
23 notice of a hearing under this section. The notice shall be by  
24 personal service **BY THE LICENSING AUTHORITY** or by ~~certified~~ **FIRST-**  
25 **CLASS** mail ~~delivered~~ **IN A SEALED ENVELOPE SENT BY THE LICENSING**  
26 **AUTHORITY** to the individual's last known address.

27 (3) If the ~~concealed weapon licensing board~~ **CIRCUIT COURT** is

1 notified by a law enforcement agency or prosecuting official that  
2 an individual licensed to carry a concealed pistol is charged with  
3 a felony or misdemeanor as defined in this act, the ~~concealed~~  
4 ~~weapon licensing board~~ **COURT** shall immediately suspend the  
5 individual's license until there is a final disposition of the  
6 charge for that offense and **IMMEDIATELY NOTIFY THE LICENSING**  
7 **AUTHORITY, WHO SHALL** send notice **BY FIRST-CLASS MAIL IN A SEALED**  
8 **ENVELOPE** of that suspension to the individual's last known address  
9 as indicated in the records of the ~~concealed weapon licensing~~  
10 ~~board~~. **LICENSING AUTHORITY**. The notice shall inform the individual  
11 that he or she is entitled to a prompt hearing on the suspension,  
12 and the ~~concealed weapon licensing board~~ **COURT** shall conduct a  
13 prompt hearing if requested in writing by the individual. ~~The~~  
14 **EXCEPT AS PROVIDED IN SUBSECTION (6), THE** requirements of  
15 subsection (2) do not apply to this subsection.

16 (4) The ~~concealed weapon licensing board~~ that issued a license  
17 ~~to an individual to carry a concealed pistol~~ **CIRCUIT COURT** shall  
18 revoke ~~that~~ **A** license if the ~~board~~ **CIRCUIT COURT** determines that  
19 the individual is not eligible under this act to receive a license  
20 to carry a concealed pistol. The ~~concealed weapon licensing board~~  
21 **COURT SHALL IMMEDIATELY NOTIFY THE LICENSING AUTHORITY, WHO** shall  
22 immediately send notice of the fact of and the reason for the  
23 revocation under this subsection ~~by first class mail~~ **IN A SEALED**  
24 **ENVELOPE** to the individual's last known address as indicated on the  
25 records of the ~~concealed weapon licensing board~~. ~~The~~ **LICENSING**  
26 **AUTHORITY. EXCEPT AS PROVIDED IN SUBSECTION (6), THE** requirements  
27 of subsection (2) do not apply to this subsection.

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

14 (5) A HEARING UNDER THIS SECTION SHALL BE CLOSED TO THE PUBLIC  
15 UPON THE REQUEST OF THE INDIVIDUAL. THE INDIVIDUAL IS ENTITLED TO  
16 BE REPRESENTED BY LEGAL COUNSEL DURING THE HEARING AND TO PRESENT  
17 RELEVANT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES, IN HIS OR  
18 HER BEHALF. IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE  
19 SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS,  
20 AS APPLICABLE, OR UNTIL A SPECIFIC DATE. THE LICENSEE SHALL  
21 PROMPTLY SURRENDER HIS OR HER LICENSE TO THE LICENSING AUTHORITY  
22 AFTER BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN REVOKED OR  
23 SUSPENDED.

24 (6) IF A CIRCUIT COURT ORDERED A LICENSE SUSPENDED UNDER THIS  
25 SECTION AND THAT LICENSE WAS SURRENDERED BY THE LICENSEE, THE  
26 LICENSING AUTHORITY SHALL, UPON THE EXPIRATION OF THE SUSPENSION  
27 PERIOD, AUTOMATICALLY REINSTATE THE LICENSE IF THE LICENSE WAS

1 SUSPENDED AS REQUIRED UNDER SUBSECTION (5), IS NOT EXPIRED, AND THE  
2 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE UNDER THIS  
3 ACT TO CARRY A CONCEALED PISTOL. THE LICENSING AUTHORITY SHALL  
4 NOTIFY THE INDIVIDUAL BY FIRST-CLASS MAIL IN A SEALED ENVELOPE SENT  
5 TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS SHOWN BY THE RECORDS OF  
6 THE LICENSING AUTHORITY THAT HIS OR HER LICENSE HAS BEEN  
7 REINSTATED. THE NOTICE SHALL BE SENT WITHIN 5 BUSINESS DAYS AFTER  
8 THE LICENSE IS REINSTATED BY THE LICENSING AUTHORITY. A LICENSING  
9 AUTHORITY MAY CHARGE A FEE OF NOT MORE THAN \$20.00 FOR THE  
10 REINSTATEMENT OF A REVOKED OR SUSPENDED LICENSE. THE CLERK SHALL  
11 COLLECT ANY REINSTATEMENT FEE PAID UNDER THIS SUBSECTION FOR  
12 DEPOSIT IN THE CONCEALED PISTOL LICENSING FUND.

13 (7) ~~(6)~~ If the ~~concealed weapon licensing board~~ **CIRCUIT COURT**  
14 **OR LICENSING AUTHORITY** orders a license suspended, ~~or~~ **revoked, OR**  
15 **REINSTATED** under this section or amends a suspension, ~~or~~  
16 **revocation, OR REINSTATEMENT** order, **OR A LICENSING AUTHORITY**  
17 **AUTOMATICALLY REINSTATES A LICENSE UNDER SUBSECTION (6),** the  
18 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall  
19 immediately notify a law enforcement agency having jurisdiction in  
20 the county in which the ~~concealed weapon licensing board~~ **LICENSING**  
21 **AUTHORITY** is located to enter the order or amended order into the  
22 law enforcement information network. A law enforcement agency that  
23 receives notice of an order or amended order under this subsection  
24 from a ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall  
25 immediately enter the order or amended order into the law  
26 enforcement information network as requested by that ~~concealed~~  
27 ~~weapon licensing board~~ **LICENSING AUTHORITY**.

1           (8) ~~(7)~~—A suspension or revocation order or amended order  
2 issued under this section is immediately effective. However, an  
3 individual is not criminally liable for violating the order or  
4 amended order unless he or she has received notice of the order or  
5 amended order.

6           (9) ~~(8)~~—If an individual is carrying a pistol in violation of  
7 a suspension or revocation order or amended order issued under this  
8 section but has not previously received notice of the order or  
9 amended order, the individual shall be informed of the order or  
10 amended order and be given an opportunity to properly store the  
11 pistol or otherwise comply with the order or amended order before  
12 an arrest is made for carrying the pistol in violation of this act.

13           (10) ~~(9)~~—If a law enforcement agency or officer notifies an  
14 individual of a suspension or revocation order or amended order  
15 issued under this section who has not previously received notice of  
16 the order or amended order, the law enforcement agency or officer  
17 shall enter a statement into the law enforcement information  
18 network that the individual has received notice of the order or  
19 amended order under this section.

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

23           Enacting section 1. Section 6a of 1927 PA 372, MCL 28.426a, is  
24 repealed.