

HOUSE BILL No. 4854

July 12, 2017, Introduced by Rep. LaFave 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 5a, 5b, 5c, 5f, 5o, 12, 12a, and 15 (MCL 28.425a, 28.425b, 28.425c, 28.425f, 28.425o, 28.432, 28.432a, and 28.435), sections 5a, 5c, and 5f as amended by 2015 PA 3, section 5b as amended by 2015 PA 207, section 5o as amended by 2015 PA 206, section 12 as amended by 2010 PA 209, section 12a as amended by 2016 PA 301, and section 15 as added by 2000 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) ~~Beginning December 1, 2015, the county concealed~~
2 ~~weapon licensing boards are eliminated. Each county concealed~~
3 ~~weapon licensing board shall transfer all license applications and~~
4 ~~official documents in its possession to the county clerk of the~~
5 ~~county in which the board is located no later than November 30,~~
6 ~~2015. All pending applications remain in place, are considered to~~
7 ~~have a December 1, 2015 application date, and shall be processed by~~
8 ~~the county clerk as provided in this act. If an applicant has an~~
9 ~~initial or renewal application that is pending on December 1, 2015,~~
10 ~~that applicant may request a receipt from the county clerk that~~
11 ~~meets the requirements of section 5b(9) or 5l(3). The county clerk~~
12 ~~shall issue that receipt by first-class mail unless requested in~~
13 ~~person. The receipt is effective on the date the county clerk~~
14 ~~issues that receipt. The county clerk shall not charge any~~
15 ~~additional fee for receiving or processing an application~~
16 ~~previously submitted to the county concealed weapon licensing~~
17 ~~board, except as otherwise provided in this act. A license to carry~~
18 ~~a concealed pistol issued by a concealed weapon licensing board~~
19 ~~before December 1, 2015 is valid and remains in effect until the~~
20 ~~expiration of that license or as otherwise provided by law.~~

21 (2) The county clerk is responsible for all of the following:

22 (a) Storing and maintaining all records related to issuing a
23 license or notice of statutory disqualification in that county.

24 (b) Issuing licenses to carry a concealed pistol.

25 (c) Issuing notices of statutory disqualification, notices of
26 suspensions, and notices of revocations.

1 (3) The department of state police shall verify under section
2 5b(6) whether an applicant for a license to carry a concealed
3 pistol is eligible to receive a license to carry a concealed
4 pistol.

5 (4) A county clerk shall issue an emergency license to carry a
6 concealed pistol to an applicant if the individual has obtained a
7 personal protection order issued under section 2950 or 2950a of the
8 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
9 600.2950a, or to an applicant if a county sheriff determines that
10 there is clear and convincing evidence to believe the safety of the
11 applicant or the safety of a member of the applicant's family or
12 household is endangered by the applicant's inability to immediately
13 obtain a license to carry a concealed pistol. Clear and convincing
14 evidence includes, but is not limited to, an application for a
15 personal protection order, police reports and other law enforcement
16 records, or written, audio, or visual evidence of threats to the
17 applicant or member of the applicant's family or household. A
18 county clerk shall only issue an emergency license to carry a
19 concealed pistol to an applicant who has obtained a personal
20 protection order if the individual is eligible under section
21 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive a
22 license based on a criminal record check through the law
23 enforcement information network conducted by the department of
24 state police. The county sheriff shall only issue a determination
25 under this subsection to an individual who is eligible under
26 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
27 a license based on a criminal record check through the law

1 enforcement information network and only after the county sheriff
2 has taken the individual's fingerprints in compliance with section
3 5b(9). An emergency license ~~shall~~**MUST** be on a form provided by the
4 department of state police. An applicant for an emergency license
5 shall, within 10 business days of applying for an emergency
6 license, complete a pistol training course under section 5j and
7 apply for a license under section 5b. A county sheriff who makes a
8 determination under this section, performs a criminal record check,
9 and takes the applicant's fingerprints may charge a fee not to
10 exceed \$15.00. A county clerk may charge a fee not to exceed \$10.00
11 for printing an emergency license. A county clerk shall deposit a
12 fee collected by the county clerk under this subsection in the
13 concealed pistol licensing fund of that county created in section
14 5x. An emergency license is unrestricted and is valid for 45 days
15 or until the county clerk issues a license or a notice of statutory
16 disqualification, whichever occurs first. Except as otherwise
17 provided in this act, an emergency license is, for all other
18 purposes of this act, a license to carry a concealed pistol. ~~The~~
19 ~~county clerk shall include an indication on the license if an~~
20 ~~individual is exempt from the prohibitions against carrying a~~
21 ~~concealed pistol on premises described in section 5o if the~~
22 ~~applicant provides acceptable proof that he or she qualifies for~~
23 ~~that exemption.~~ An individual shall not obtain more than 1
24 emergency license in any 5-year period. If a county clerk issues a
25 notice of statutory disqualification to an applicant who received
26 an emergency license under this section, the applicant shall
27 immediately surrender the emergency license to the county clerk by

1 mail or in person if that emergency license has not expired. An
2 individual who fails to surrender a license as required by this
3 subsection after he or she is notified of a statutory
4 disqualification is guilty of a misdemeanor punishable by
5 imprisonment for not more than 93 days or a fine of not more than
6 \$500.00, or both.

7 (5) The legislative service bureau shall compile the firearms
8 laws of this state, including laws that apply to carrying a
9 concealed pistol, and shall provide copies of the compilation in an
10 electronic format to the department of state police. The department
11 of state police shall provide a copy of the compiled laws to each
12 county clerk in this state. The department of state police shall
13 also provide forms to appeal any notice of statutory
14 disqualification, or suspension or revocation of a license under
15 this act. The department of state police shall distribute copies of
16 the compilation and forms required under this subsection in an
17 electronic format to each county clerk. The county clerk shall
18 distribute a copy of the compilation and forms at no charge to each
19 individual who applies for a license to carry a concealed pistol at
20 the time the application is submitted. The county clerk shall
21 require the applicant to sign a written statement acknowledging
22 that he or she has received a copy of the compilation and forms
23 provided under this subsection. An individual is not eligible to
24 receive a license to carry a concealed pistol until he or she has
25 signed the statement.

26 Sec. 5b. (1) ~~Until November 30, 2015, to obtain a license to~~
27 ~~carry a concealed pistol, an individual shall apply to the~~

~~1 concealed weapon licensing board in the county in which that~~
~~2 individual resides. Beginning December 1, 2015, to~~ **TO** ~~obtain a~~
~~3 license to carry a concealed pistol, an individual shall apply to~~
~~4 the county clerk in the county in which the individual resides. The~~
~~5 applicant shall file the application with the county clerk in the~~
~~6 county in which the applicant resides during the county clerk's~~
~~7 normal business hours. The application shall~~ **MUST** ~~be on a form~~
~~8 provided by the director of the department of state police . Until~~
~~9 November 30, 2015, the application shall allow the applicant to~~
~~10 designate whether the applicant seeks a temporary license.~~
~~11 Beginning December 1, 2015, the application shall~~ **AND** ~~allow the~~
~~12 applicant to designate whether the applicant seeks an emergency~~
~~13 license. The~~ **APPLICANT SHALL SIGN THE** ~~application shall be signed~~
~~14 under oath. by the applicant. The oath shall be administered by the~~
~~15 county clerk or his or her representative~~ **SHALL ADMINISTER THE**
~~16 OATH. Beginning December 1, 2015, not~~ **NOT** ~~more than 1 application~~
~~17 may be submitted under this subsection in any calendar year.~~
~~18 Beginning December 1, 2015, an~~ **AN** ~~application under this subsection~~
~~19 is not considered complete until an applicant submits all of the~~
~~20 required information and fees and has fingerprints taken under~~
~~21 subsection (9). Beginning December 1, 2015, an~~ **AN** ~~application under~~
~~22 this subsection is considered withdrawn if an applicant does not~~
~~23 have fingerprints taken under subsection (9) within 45 days of the~~
~~24 date an application is filed under this subsection. Beginning~~
~~25 December 1, 2015, a~~ **A** ~~completed application under this section~~
~~26 expires 1 year from the date of application. Beginning December 1,~~
~~27 2015, the~~ **THE** ~~county clerk shall issue the applicant a receipt for~~

1 his or her application at the time the application is submitted
2 containing the name of the applicant, the applicant's state-issued
3 driver license or personal identification card number, the date and
4 time the receipt is issued, the amount paid, the name of the county
5 in which the receipt is issued, an impression of the county seal,
6 and the statement, "This receipt was issued for the purpose of
7 applying for a concealed pistol license and for obtaining
8 fingerprints related to that application. This receipt does not
9 authorize an individual to carry a concealed pistol in this
10 state.". The application ~~shall~~ **MUST** contain all of the following:

11 (a) The applicant's legal name, date of birth, the address of
12 his or her primary residence, and ~~, beginning December 1, 2015, his~~
13 or her state-issued driver license or personal identification card
14 number. ~~Until November 30, 2015, if the applicant resides in a~~
15 ~~city, village, or township that has a police department, the name~~
16 ~~of the police department.~~

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

19 (c) ~~Until November 30, 2015, a statement by the applicant~~
20 ~~authorizing the concealed weapon licensing board to access any~~
21 ~~record, including any medical record, pertaining to the applicant's~~
22 ~~qualifications for a license to carry a concealed pistol under this~~
23 ~~act. The applicant may request that information received by the~~
24 ~~concealed weapon licensing board under this subdivision be reviewed~~
25 ~~in a closed session. If the applicant requests that the session be~~
26 ~~closed, the concealed weapon licensing board shall close the~~
27 ~~session only for purposes of this subdivision. The applicant and~~

~~his or her representative have the right to be present in the closed session. Beginning December 1, 2015, a~~ **A** statement by the applicant authorizing the department of state police to access any record needed to perform the verification in subsection (6).

(d) A statement by the applicant regarding whether he or she has a history of mental illness that would disqualify him or her under subsection (7)(j) to ~~(l)~~ from receiving a license to carry a concealed pistol.

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

(i) Any felony.

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

(f) A statement by the applicant whether he or she has been dishonorably discharged from the United States ~~armed forces.~~ **ARMED FORCES.**

~~— (g) Until November 30, 2015, if the applicant seeks a temporary license, the facts supporting the issuance of that temporary license.~~

~~— (h) Until November 30, 2015, the names, residential addresses, and telephone numbers of 2 individuals who are references for the applicant.~~

1 (G) ~~(i) Until November 30, 2015, a passport quality photograph~~
2 ~~of the applicant provided by the applicant at the time of~~
3 ~~application. Beginning December 1, 2015, if~~ **IF** an applicant does
4 not have a digitized photograph on file with the secretary of
5 state, a passport-quality photograph of the applicant provided by
6 the applicant at the time of application.

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

9 (2) The county clerk shall not require the applicant to submit
10 any additional forms, documents, letters, or other evidence of
11 eligibility for obtaining a license to carry a concealed pistol
12 except as set forth in subsection (1) or as otherwise provided for
13 in this act. The application form ~~shall~~ **MUST** contain a conspicuous
14 warning that the application is executed under oath and that
15 intentionally making a material false statement on the application
16 is a felony punishable by imprisonment for not more than 4 years or
17 a fine of not more than \$2,500.00, or both.

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

22 (4) The county clerk shall retain a copy of each application
23 for a license to carry a concealed pistol as an official record.
24 One year after the expiration of a concealed pistol license, the
25 county clerk may destroy the record and maintain only a name index
26 of the record.

27 (5) ~~Until November 30, 2015, each applicant shall pay a~~

1 ~~nonrefundable application and licensing fee of \$105.00 by any~~
2 ~~method of payment accepted by that county for payments of other~~
3 ~~fees and penalties. Beginning December 1, 2015, each~~ **EACH** applicant
4 shall pay an application and licensing fee of \$100.00 by any method
5 of payment accepted by that county for payments of other fees and
6 penalties. Except as provided in subsection (9), no other charge,
7 fee, cost, or assessment, including any local charge, fee, cost, or
8 assessment, is required of the applicant except as specifically
9 authorized in this act. The **APPLICANT SHALL PAY THE** application and
10 licensing fee ~~shall be payable to the county. Until November 30,~~
11 ~~2015, the county treasurer shall deposit \$15.00 of each application~~
12 ~~and licensing fee collected under this section in the general fund~~
13 ~~of the county and credit that deposit to the credit of the county~~
14 ~~sheriff and deposit \$26.00 of each fee collected under this section~~
15 ~~in the concealed pistol licensing fund of that county created in~~
16 ~~section 5x. Beginning December 1, 2015, the~~ **THE** county treasurer
17 shall deposit \$26.00 of each application and licensing fee
18 collected under this section in the concealed pistol licensing fund
19 of that county created in section 5x. The county treasurer shall
20 forward the balance remaining to the state treasurer. The state
21 treasurer shall deposit the balance of the fee in the general fund
22 to the credit of the department of state police. The department of
23 state police shall use the money received under this act to process
24 the fingerprints and to reimburse the Federal Bureau of
25 Investigation for the costs associated with processing fingerprints
26 submitted under this act. The **STATE TREASURER SHALL CREDIT THE**
27 balance of the money received under this act ~~shall be credited to~~

1 the department of state police.

2 (6) ~~Until November 30, 2015, the county sheriff on behalf of~~
3 ~~the concealed weapon licensing board shall verify the requirements~~
4 ~~of subsection (7) (d), (e), (f), (h), (i), (j), (k), (l), and (m)~~
5 ~~through the law enforcement information network and report his or~~
6 ~~her finding to the concealed weapon licensing board. Beginning~~
7 ~~December 1, 2015, the~~ **THE** department of state police shall verify
8 the requirements of subsection (7) (d), (e), (f), (h), (i), (j),
9 (k), and (m) through the law enforcement information network and
10 the national instant criminal background check system and shall
11 report to the county clerk all statutory disqualifications, if any,
12 under this act that apply to an applicant. ~~Until November 30, 2015,~~
13 ~~if the applicant resides in a city, village, or township that has a~~
14 ~~police department, the concealed weapon licensing board shall~~
15 ~~contact that city, village, or township police department to~~
16 ~~determine only whether that city, village, or township police~~
17 ~~department has any information relevant to the investigation of~~
18 ~~whether the applicant is eligible under this act to receive a~~
19 ~~license to carry a concealed pistol. Until November 30, 2015, the~~
20 ~~concealed weapon licensing board may require a person claiming~~
21 ~~active duty status with the United States armed forces under this~~
22 ~~section to provide proof of 1 or both of the following:~~

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

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

25 (7) ~~Until November 30, 2015, the concealed weapon licensing~~
26 ~~board and, beginning December 1, 2015, the~~ **THE** county clerk shall
27 issue and shall send by first-class mail a license to an applicant

1 to carry a concealed pistol within the period required under this
2 act if the ~~concealed weapon licensing board or~~ county clerk
3 determines that all of the following circumstances exist:

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

5 (b) The applicant is a citizen of the United States or is an
6 alien lawfully admitted into the United States, is a legal resident
7 of this state, and has resided in this state for not less than the
8 6 months immediately preceding the date of application. ~~Until~~

9 ~~November 30, 2015, the concealed weapon licensing board may waive~~

10 ~~the 6-month residency requirement for a temporary license under~~

11 ~~section 5a(8) if the concealed weapon licensing board determines~~

12 ~~that there is probable cause to believe that the safety of the~~

13 ~~applicant or the safety of a member of the applicant's family is~~

14 ~~endangered by the applicant's inability to immediately obtain a~~

15 ~~license to carry a concealed pistol. Until November 30, 2015, if~~

16 ~~the applicant holds a valid concealed pistol license issued by~~

17 ~~another state at the time the applicant's residency in this state~~

18 ~~is established, the concealed weapon licensing board may waive the~~

19 ~~6-month waiting period and the applicant may apply for a concealed~~

20 ~~pistol license at the time the applicant's residency in this state~~

21 ~~is established. Until November 30, 2015, the concealed weapon~~

22 ~~licensing board shall immediately issue a temporary license to that~~

23 ~~applicant. Until November 30, 2015, the temporary license is valid~~

24 ~~until the concealed weapon licensing board decides whether to grant~~

25 ~~or deny the application. Beginning December 1, 2015, the **THE** county~~

26 ~~clerk shall waive the 6-month residency requirement for an~~

27 ~~emergency license under section 5a(4) if the applicant is a~~

petitioner for a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or if the county sheriff determines that there is clear and convincing evidence to believe that the safety of the applicant or the safety of a member of the applicant's family or household is endangered by the applicant's inability to immediately obtain a license to carry a concealed pistol. ~~Beginning December 1, 2015, if~~ **IF** the applicant holds a valid concealed pistol license issued by another state at the time the applicant's residency in this state is established, the county clerk shall waive the 6-month ~~waiting period~~ **RESIDENCY REQUIREMENT** and the applicant may apply for a concealed pistol license at the time the applicant's residency in this state is established. For the purposes of this section, ~~a person~~ **AN INDIVIDUAL** is considered a legal resident of this state if any of the following apply:

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

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

(iii) The ~~person~~ **INDIVIDUAL** is on active duty status with the United States ~~armed forces~~ **ARMED FORCES** and is stationed outside of this state, but the ~~person's~~ **INDIVIDUAL'S** home of record is in this state.

(iv) The ~~person~~ **INDIVIDUAL** is on active duty status with the United States ~~armed forces~~ **ARMED FORCES** and is permanently

1 stationed in this state, but the ~~person's~~ **INDIVIDUAL'S** home of
2 record is in another state.

3 (c) The applicant has knowledge and has had training in the
4 safe use and handling of a pistol by the successful completion of a
5 pistol safety training course or class that meets the requirements
6 of section 5j.

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

9 (i) Section 464a of the mental health code, 1974 PA 258, MCL
10 330.1464a.

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

13 (iii) Sections 2950 and 2950a of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

25 (f) The applicant has never been convicted of a felony in this
26 state or elsewhere, and a felony charge against the applicant is
27 not pending in this state or elsewhere at the time he or she

1 applies for a license described in this section.

2 (g) The applicant has not been dishonorably discharged from
3 the United States ~~armed forces~~. **ARMED FORCES**.

4 (h) The applicant has not been convicted of a misdemeanor
5 violation of any of the following in the 8 years immediately
6 preceding the date of application and a charge for a misdemeanor
7 violation of any of the following is not pending against the
8 applicant in this state or elsewhere at the time he or she applies
9 for a license described in this section:

10 (i) Section 617a (failing to stop when involved in a personal
11 injury accident), section 625 as punishable under subsection (9) (b)
12 of that section (operating while intoxicated, second offense),
13 section 625m as punishable under subsection (4) of that section
14 (operating a commercial vehicle with alcohol content, second
15 offense), section 626 (reckless driving), or a violation of section
16 904(1) (operating while license suspended or revoked, second or
17 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
18 257.617a, 257.625, 257.625m, 257.626, and 257.904.

19 (ii) Section 185(7) of the aeronautics code of the state of
20 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under
21 the influence of intoxicating liquor or a controlled substance with
22 prior conviction).

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

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

1 bodily injury upon director or authorized representative).

2 (v) Section 80176 as punishable under section 80177(1)(b)
3 (operating vessel under the influence of intoxicating liquor or a
4 controlled substance, second offense), section 81134 as punishable
5 under subsection (8)(b) of that section (operating ORV under the
6 influence of intoxicating liquor or a controlled substance, second
7 or subsequent offense), or section 82127 as punishable under
8 section 82128(1)(b) (operating snowmobile under the influence of
9 intoxicating liquor or a controlled substance, second offense) of
10 the natural resources and environmental protection act, 1994 PA
11 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

12 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
13 333.7403 (possession of controlled substance, controlled substance
14 analogue, or prescription form).

15 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,
16 MCL 462.353, punishable under subsection (4) of that section
17 (operating locomotive under the influence of intoxicating liquor or
18 a controlled substance, or while visibly impaired, second offense).

19 (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying
20 sexually explicit matter to minors).

21 (ix) Section 81 (assault or domestic assault), section 81a(1)
22 or (2) (aggravated assault or aggravated domestic assault), section
23 115 (breaking and entering or entering without breaking), section
24 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
25 abuse), section 157b(3)(b) (solicitation to commit a felony),
26 section 215 (impersonating peace officer or medical examiner),
27 section 223 (illegal sale of a firearm or ammunition), section 224d

1 (illegal use or sale of a self-defense spray), section 226a (sale
2 or possession of a switchblade), section 227c (improper
3 transportation of a loaded firearm), section 229 (accepting a
4 pistol in pawn), section 232 (failure to register the purchase of a
5 firearm or a firearm component), section 232a (improperly obtaining
6 a pistol, making a false statement on an application to purchase a
7 pistol, or using false identification to purchase a pistol),
8 section 233 (intentionally aiming a firearm without malice),
9 section 234 (intentionally discharging a firearm aimed without
10 malice), section 234d (possessing a firearm on prohibited
11 premises), section 234e (brandishing a firearm in public), section
12 234f (possession of a firearm by an individual less than 18 years
13 of age), section 235 (intentionally discharging a firearm aimed
14 without malice causing injury), section 235a (parent of a minor who
15 possessed a firearm in a weapon free school zone), section 236
16 (setting a spring gun or other device), section 237 (possessing a
17 firearm while under the influence of intoxicating liquor or a
18 controlled substance), section 237a (weapon free school zone
19 violation), section 335a (indecent exposure), section 411h
20 (stalking), or section 520e (fourth degree criminal sexual conduct)
21 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
22 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,
23 750.226a, 750.227c, 750.229, 750.232, 750.232a, 750.233, 750.234,
24 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,
25 750.237a, 750.335a, 750.411h, and 750.520e.

26 (x) Former section 228 of the Michigan penal code, 1931 PA
27 328.

1 (xi) Section 1 (reckless, careless, or negligent use of a
2 firearm resulting in injury or death), section 2 (careless,
3 reckless, or negligent use of a firearm resulting in property
4 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
5 45, MCL 752.861, 752.862, and 752.863a.

6 (xii) A violation of a law of the United States, another
7 state, or a local unit of government of this state or another state
8 substantially corresponding to a violation described in
9 subparagraphs (i) to (xi).

10 (i) The applicant has not been convicted of a misdemeanor
11 violation of any of the following in the 3 years immediately
12 preceding the date of application unless the misdemeanor violation
13 is listed under subdivision (h) and a charge for a misdemeanor
14 violation of any of the following is not pending against the
15 applicant in this state or elsewhere at the time he or she applies
16 for a license described in this section:

17 (i) Section 625 (operating under the influence), section 625a
18 (refusal of commercial vehicle operator to submit to a chemical
19 test), section 625k (ignition interlock device reporting
20 violation), section 625l (circumventing an ignition interlock
21 device), or section 625m punishable under subsection (3) of that
22 section (operating a commercial vehicle with alcohol content) of
23 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
24 257.625k, 257.625l, and 257.625m.

25 (ii) Section 185 of the aeronautics code of the state of
26 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
27 influence).

1 (iii) Section 81134 (operating ORV under the influence or
2 operating ORV while visibly impaired), or section 82127 (operating
3 a snowmobile under the influence) of the natural resources and
4 environmental protection act, 1994 PA 451, MCL 324.81134 and
5 324.82127.

6 (iv) Part 74 of the public health code, 1978 PA 368, MCL
7 333.7401 to 333.7461 (controlled substance violation).

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

11 (vi) Section 167 (disorderly person), section 174
12 (embezzlement), section 218 (false pretenses with intent to
13 defraud), section 356 (larceny), section 356d (second degree retail
14 fraud), section 359 (larceny from a vacant building or structure),
15 section 362 (larceny by conversion), section 362a (larceny -
16 defrauding lessor), section 377a (malicious destruction of
17 property), section 380 (malicious destruction of real property),
18 section 535 (receiving or concealing stolen property), or section
19 540e (malicious use of telecommunications service or device) of the
20 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
21 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
22 750.535, and 750.540e.

23 (vii) A violation of a law of the United States, another
24 state, or a local unit of government of this state or another state
25 substantially corresponding to a violation described in
26 subparagraphs (i) to (vi).

27 (j) The applicant has not been found guilty but mentally ill

1 of any crime and has not offered a plea of not guilty of, or been
2 acquitted of, any crime by reason of insanity.

3 (k) The applicant is not currently and has never been subject
4 to an order of involuntary commitment in an inpatient or outpatient
5 setting due to mental illness.

6 (l) The applicant has filed a statement under subsection
7 (1)(d) that the applicant does not have a diagnosis of mental
8 illness that includes an assessment that the individual presents a
9 danger to himself or herself or to another at the time the
10 application is made, regardless of whether he or she is receiving
11 treatment for that illness.

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

14 (n) The applicant has a valid state-issued driver license or
15 personal identification card.

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

1 (9) An individual, after submitting an application and paying
2 the fee prescribed under subsection (5), shall request that
3 classifiable fingerprints be taken by the county clerk, department
4 of state police, county sheriff, a local police agency, or other
5 entity, if the county clerk, department of state police, county
6 sheriff, local police agency, or other entity provides
7 fingerprinting capability for the purposes of this act. ~~Beginning~~
8 ~~December 1, 2015, an~~ **AN** individual who has had classifiable
9 fingerprints taken under section 5a(4) does not need additional
10 fingerprints taken under this subsection. If the individual
11 requests that classifiable fingerprints be taken by the county
12 clerk, department of state police, county sheriff, a local police
13 agency, or other entity, the individual shall also pay a fee of
14 \$15.00 by any method of payment accepted for payments of other fees
15 and penalties. A county clerk shall deposit any fee it accepts
16 under this subsection in the concealed pistol licensing fund of
17 that county created in section 5x. The county clerk, department of
18 state police, county sheriff, local police agency, or other entity
19 shall take the fingerprints within 5 business days after the
20 request. County clerks, the department of state police, county
21 sheriffs, local police agencies, and other entities shall provide
22 reasonable access to fingerprinting services during normal business
23 hours as is necessary to comply with the requirements of this act
24 if the county clerk, department of state police, county sheriff,
25 local police agency, or other entity provides fingerprinting
26 capability for the purposes of this act. ~~Beginning December 1,~~
27 ~~2015, the~~ **THE** entity providing fingerprinting services shall issue

1 the applicant a receipt at the time his or her fingerprints are
2 taken. ~~Beginning December 1, 2015, the~~ **THE** county clerk, department
3 of state police, county sheriff, local police agency, or other
4 entity shall not provide a receipt under this subsection unless the
5 individual requesting the fingerprints provides an application
6 receipt received under subsection (1). ~~Beginning December 1, 2015,~~
7 ~~a~~ **A** receipt under this subsection ~~shall~~ **MUST** contain all of the
8 following:

- 9 (a) The name of the applicant.
- 10 (b) The date and time the receipt is issued.
- 11 (c) The amount paid.
- 12 (d) The name of the entity providing the fingerprint services.
- 13 (e) The applicant's state-issued driver license or personal
14 identification card number.
- 15 (f) The statement "This receipt was issued for the purpose of
16 applying for a concealed pistol license. As provided in section 5b
17 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
18 disqualification is not issued within 45 days after the date this
19 receipt was issued, this receipt shall serve as a concealed pistol
20 license for the individual named in the receipt when carried with
21 an official state-issued driver license or personal identification
22 card. The receipt is valid as a license until a license or notice
23 of statutory disqualification is issued by the county clerk. This
24 receipt does not exempt the individual named in the receipt from
25 complying with all applicable laws for the purchase of firearms.".
- 26 (10) The fingerprints ~~shall~~ **MUST** be taken, under subsection
27 (9), in a manner prescribed by the department of state police. The

1 ~~fingerprints taken by a county clerk, county sheriff, local police~~
2 ~~agency, or other entity shall be immediately forwarded~~ **FORWARD THE**
3 **FINGERPRINTS TAKEN BY THAT ENTITY** to the department of state police
4 for comparison with fingerprints already on file with the
5 department of state police. The department of state police shall
6 immediately forward the fingerprints to the Federal Bureau of
7 Investigation. ~~Until November 30, 2015, within 10 days after~~
8 ~~receiving a report of the fingerprints from the Federal Bureau of~~
9 ~~Investigation, the department of state police shall provide a copy~~
10 ~~to the submitting sheriff's department or local police agency as~~
11 ~~appropriate and the clerk of the appropriate concealed weapon~~
12 ~~licensing board. Beginning December 1, 2015, within~~ **WITHIN** 5
13 business days of completing the verification under subsection (6),
14 the department shall send the county clerk a list of an applicant's
15 statutory disqualifications under this act. ~~Until November 30,~~
16 ~~2015, and except as provided in subsection (14), the concealed~~
17 ~~weapon licensing board shall not issue a concealed pistol license~~
18 ~~until it receives the fingerprint comparison report prescribed in~~
19 ~~this subsection. Beginning December 1, 2015, and except~~ **EXCEPT** as
20 provided in section 5a(4), the county clerk shall not issue a
21 concealed pistol license until he or she receives the report of
22 statutory disqualifications prescribed in this subsection.
23 ~~Beginning December 1, 2015, if~~ **IF** an individual's fingerprints are
24 not classifiable, the department of state police shall, at no
25 charge, take the individual's fingerprints again or provide for the
26 comparisons under this subsection to be conducted through
27 alternative means. ~~Until November 30, 2015, the concealed weapon~~

~~licensing board may deny a license if an individual's fingerprints are not classifiable by the Federal Bureau of Investigation.~~

~~Beginning December 1, 2015, the~~ **THE** county clerk shall not issue a notice of statutory disqualification because an individual's fingerprints are not classifiable by the Federal Bureau of Investigation.

~~(11) Until November 30, 2015, the concealed weapon licensing board shall deny a license to an applicant to carry a concealed pistol if the applicant is not qualified under subsection (7) to receive that license. Beginning December 1, 2015, the~~ **THE** county clerk shall send by first-class mail a notice of statutory disqualification for a license under this act to an applicant if the applicant is not qualified under subsection (7) to receive that license.

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

~~(13) Until November 30, 2015, and subject to subsections (10) and (14), the concealed weapon licensing board shall issue or deny issuance of a license within 45 days after the concealed weapon licensing board receives the fingerprint comparison report provided under subsection (10). Beginning December 1, 2015, and subject~~ **SUBJECT** to subsection (10), the department of state police shall complete the verification required under subsection (6) and the county clerk shall issue a license or a notice of statutory disqualification within 45 days after the date the applicant has classifiable fingerprints taken under subsection (9). ~~Beginning~~

~~December 1, 2015, the county clerk shall include an indication on the license if an individual is exempt from the prohibitions against carrying a concealed pistol on premises described in section 5c if the applicant provides acceptable proof that he or she qualifies for that exemption. Until November 30, 2015, if the concealed weapon licensing board denies issuance of a license to carry a concealed pistol, or beginning December 1, 2015, if **IF** the county clerk issues a notice of statutory disqualification, the concealed weapon licensing board or the county clerk, as appropriate,~~ shall within 5 business days do all of the following:

(a) Inform the applicant in writing of the reasons for the denial or disqualification. Information under this subdivision ~~shall~~ **MUST** include all of the following:

~~(i) Until November 30, 2015, a statement of the specific and articulable facts supporting the denial. Beginning December 1, 2015, a~~ **A** statement of each statutory disqualification identified.

~~(ii) Until November 30, 2015, copies of any writings, photographs, records, or other documentary evidence upon which the denial is based. Beginning December 1, 2015, the~~ **THE** source of the record for each statutory disqualification identified.

~~(iii) Beginning December 1, 2015, the~~ **THE** contact information for the source of the record for each statutory disqualification identified.

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

~~(c) Beginning December 1, 2015, inform~~ **INFORM** the applicant

1 that he or she should contact the source of the record for any
2 statutory disqualification to correct any errors in the record
3 resulting in the statutory disqualification.

4 ~~(14) Until November 30, 2015, if the fingerprint comparison~~
5 ~~report is not received by the concealed weapon licensing board~~
6 ~~within 60 days after the fingerprint report is forwarded to the~~
7 ~~department of state police by the Federal Bureau of Investigation,~~
8 ~~the concealed weapon licensing board shall issue a temporary~~
9 ~~license to carry a concealed pistol to the applicant if the~~
10 ~~applicant is otherwise qualified for a license. Until November 30,~~
11 ~~2015, a temporary license issued under this section is valid for~~
12 ~~180 days or until the concealed weapon licensing board receives the~~
13 ~~fingerprint comparison report provided under subsection (10) and~~
14 ~~issues or denies issuance of a license to carry a concealed pistol~~
15 ~~as otherwise provided under this act. Until November 30, 2015, upon~~
16 ~~issuance or the denial of issuance of the license to carry a~~
17 ~~concealed pistol to an applicant who received a temporary license~~
18 ~~under this section, the applicant shall immediately surrender the~~
19 ~~temporary license to the concealed weapon licensing board that~~
20 ~~issued that temporary license. Beginning December 1, 2015, if~~ **IF** ~~a~~
21 license or notice of statutory disqualification is not issued under
22 subsection (13) within 45 days after the date the applicant has
23 classifiable fingerprints taken under subsection (9), the receipt
24 issued under subsection (9) ~~shall serve~~ **SERVES** as a concealed
25 pistol license for purposes of this act when carried with a state-
26 issued driver license or personal identification card and is valid
27 until a license or notice of statutory disqualification is issued

1 by the county clerk.

2 (15) If an individual licensed under this act to carry a
3 concealed pistol moves to a different county within this state, his
4 or her license remains valid until it expires or is otherwise
5 suspended or revoked under this act. ~~Beginning December 1, 2015, an~~
6 **AN** individual may notify a county clerk that he or she has moved to
7 a different address within this state for the purpose of receiving
8 the notice under section 51(1). 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. A county
11 clerk shall deposit a replacement fee under this subsection in the
12 concealed pistol licensing fund of that county created in section
13 5x.

14 (16) If a license issued under this act is suspended or
15 revoked, the license is forfeited and the individual shall return
16 the license to the county clerk forthwith by mail or in person.
17 ~~Beginning December 1, 2015, the~~ **THE** county clerk shall retain a
18 suspended or revoked license as an official record 1 year after the
19 expiration of the license, unless the license is reinstated or a
20 new license is issued. ~~Beginning December 1, 2015, the~~ **THE** county
21 clerk shall notify the department of state police if a license is
22 suspended or revoked. ~~Beginning December 1, 2015, the~~ **THE**
23 department of state police shall enter that suspension or
24 revocation into the law enforcement information network. An
25 individual who fails to return a license as required under this
26 subsection after he or she was notified that his or her license was
27 suspended or revoked is guilty of a misdemeanor punishable by

1 imprisonment for not more than 93 days or a fine of not more than
2 \$500.00, or both.

3 (17) An applicant or an individual licensed under this act to
4 carry a concealed pistol may be furnished a copy of his or her
5 application under this section upon request and the payment of a
6 reasonable fee not to exceed \$1.00. The county clerk shall deposit
7 any fee collected under this subsection in the concealed pistol
8 licensing fund of that county created in section 5x.

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

13 (19) ~~Beginning December 1, 2015, a~~ **A** county clerk issuing an
14 initial license or renewal license under this act shall mail the
15 license to the licensee by first-class mail in a sealed envelope.
16 ~~Beginning December 1, 2015, upon~~ **UPON** payment of the fee under
17 subsection (15), a county clerk shall issue a replacement license
18 in person at the time of application for a replacement license
19 unless the applicant requests that it be delivered by first-class
20 mail.

21 (20) A county clerk, county sheriff, county prosecuting
22 attorney, police department, or the department of state police is
23 not liable for civil damages as a result of the issuance of a
24 license under this act to an individual who later commits a crime
25 or a negligent act.

26 (21) ~~Beginning December 1, 2015, an~~ **AN** individual licensed
27 under this act to carry a concealed pistol may voluntarily

surrender that license without explanation. ~~Beginning December 1, 2015,~~ a ~~A~~ county clerk shall retain a surrendered license as an official record for 1 year after the license is surrendered. ~~Beginning December 1, 2015,~~ if ~~IF~~ an individual voluntarily surrenders a license under this subsection, the county clerk shall notify the department of state police. ~~Beginning December 1, 2015,~~ ~~the~~ ~~THE~~ department of state police shall enter into the law enforcement information network that the license was voluntarily surrendered and the date the license was voluntarily surrendered.

(22) As used in this section:

~~—— (a) "Acceptable proof" means any of the following:~~

~~—— (i) For a retired police officer or retired law enforcement officer, the officer's retired identification or a letter from a law enforcement agency stating that the retired police officer or law enforcement officer retired in good standing.~~

~~—— (ii) For an individual who is employed or contracted by an entity described under section 50(1) to provide security services, a letter from that entity stating that the employee is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity and his or her employee identification.~~

~~—— (iii) For an individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851, his or her license.~~

~~—— (iv) For an individual who is a corrections officer of a county sheriff's department, his or her employee identification and~~

~~1 a letter stating that the individual has received county sheriff
2 approved weapons training.~~

~~3 ——— (v) For an individual who is a retired corrections officer of
4 a county sheriff's department, a letter from the county sheriff's
5 office stating that the retired corrections officer retired in good
6 standing and that the individual has received county sheriff
7 approved weapons training.~~

~~8 ——— (vi) For an individual who is a motor carrier officer or
9 capitol security officer of the department of state police, his or
10 her employee identification.~~

~~11 ——— (vii) For an individual who is a member of a sheriff's posse,
12 his or her identification.~~

~~13 ——— (viii) For an individual who is an auxiliary officer or
14 reserve officer of a police or sheriff's department, his or her
15 employee identification.~~

~~16 ——— (ix) For an individual who is a parole, probation, or
17 corrections officer, or absconder recovery unit member, of the
18 department of corrections, his or her employee identification and
19 proof that the individual obtained a Michigan department of
20 corrections weapons permit.~~

~~21 ——— (x) For an individual who is a retired parole, probation, or
22 corrections officer, or retired absconder recovery unit member, of
23 the department of corrections, a letter from the department of
24 corrections stating that the retired parole, probation, or
25 corrections officer, or retired absconder recovery unit member,
26 retired in good standing and proof that the individual obtained a
27 Michigan department of corrections weapons permit.~~

1 ~~—— (xi) For a state court judge or state court retired judge, a~~
2 ~~letter from the judicial tenure commission stating that the state~~
3 ~~court judge or state court retired judge is in good standing.~~

4 ~~—— (xii) For an individual who is a court officer, his or her~~
5 ~~employee identification.~~

6 ~~—— (xiii) For a retired federal law enforcement officer, the~~
7 ~~identification required under the law enforcement officers safety~~
8 ~~act or a letter from a law enforcement agency stating that the~~
9 ~~retired federal law enforcement officer retired in good standing.~~

10 **(A)** ~~(b)~~ "Convicted" means a final conviction, the payment of a
11 fine, a plea of guilty or nolo contendere if accepted by the court,
12 or a finding of guilt for a criminal law violation or a juvenile
13 adjudication or disposition by the juvenile division of probate
14 court or family division of circuit court for a violation that if
15 committed by an adult would be a crime.

16 **(B)** ~~(c)~~ "Felony" means, except as otherwise provided in this
17 subdivision, that term as defined in section 1 of chapter I of the
18 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
19 of a law of the United States or another state that is designated
20 as a felony or that is punishable by death or by imprisonment for
21 more than 1 year. Felony does not include a violation of a penal
22 law of this state that is expressly designated as a misdemeanor.

23 **(C)** ~~(d)~~ "Mental illness" means a substantial disorder of
24 thought or mood that significantly impairs judgment, behavior,
25 capacity to recognize reality, or ability to cope with the ordinary
26 demands of life, and includes, but is not limited to, clinical
27 depression.

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

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

10 Sec. 5c. (1) A license to carry a concealed pistol ~~shall~~ **MUST**
 11 be in a form, with the same dimensions as a Michigan operator
 12 license, prescribed by the department of state police, ~~Beginning~~
 13 ~~December 1, 2015, the license shall~~ **AND** be constructed of plastic
 14 laminated paper or hard plastic. No additional fee shall be charged
 15 for the license unless otherwise prescribed in this act. A **COUNTY**
 16 **CLERK MAY CHARGE A** fee not to exceed \$10.00 ~~may be charged~~ for an
 17 optional hard plastic license only if the county clerk also
 18 provides the option of obtaining a plastic laminated paper license
 19 at no charge. A county clerk shall deposit a fee collected under
 20 this subsection in the concealed pistol licensing fund of that
 21 county created in section 5x. The license ~~shall~~ **MUST** contain all of
 22 the following:

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

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

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

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

1 (e) The licensee's state-issued driver license or personal
2 identification card number.

3 ~~— (f) The premises on which carrying a concealed pistol is~~
4 ~~prohibited under section 5o.~~

5 (F) ~~(g)~~ The peace officer disclosure required under section
6 5f(3).

7 (G) ~~(h)~~ An indication whether the license is a duplicate or an
8 emergency license.

9 (H) ~~(i)~~ If the license is an emergency license, an indication
10 that the emergency license does not exempt the individual from
11 complying with all applicable laws for the purchase of firearms.

12 (2) The department of state police or a county clerk shall not
13 require a licensee's signature to appear on a license to carry a
14 concealed pistol.

15 (3) ~~Subject to section 5o and except~~ **EXCEPT** as otherwise
16 provided by law, a license to carry a concealed pistol issued by
17 the county clerk authorizes the licensee to do all of the
18 following:

19 (a) Carry a pistol concealed on or about his or her person
20 ~~anywhere in this state.~~ **ON THE PREMISES LISTED IN SECTION 5o.**

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

23 (4) The secretary of state shall make a digitized photograph
24 taken of the applicant for a driver license or personal
25 identification card available to the department for use under this
26 act. The department shall provide the photograph of the applicant
27 received from the secretary of state to the county clerk who shall

1 use the photograph on the individual's license unless the applicant
2 does not have a digitized photograph on file with the secretary of
3 state. If an applicant does not have a digitized photograph on file
4 with the secretary of state, the applicant shall provide a
5 passport-quality photograph of the applicant as provided under
6 section 5b(1).

7 Sec. 5f. (1) An individual who is licensed to carry a
8 concealed pistol shall have his or her license to carry that pistol
9 and his or her state-issued driver license or personal
10 identification card in his or her possession at all times he or she
11 is carrying a concealed pistol or a portable device that uses
12 electro-muscular disruption technology **ON THE PREMISES LISTED IN**
13 **SECTION 5o.**

14 (2) An individual who is licensed to carry a concealed pistol
15 and who is carrying a concealed pistol or a portable device that
16 uses electro-muscular disruption technology **ON THE PREMISES LISTED**
17 **IN SECTION 5o** shall show both of the following to a peace officer
18 upon request by that peace officer:

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

20 (b) His or her state-issued driver license or personal
21 identification card.

22 (3) An individual licensed under this act to carry a concealed
23 pistol and who is carrying a concealed pistol or a portable device
24 that uses electro-muscular disruption technology and who is stopped
25 by a peace officer shall immediately disclose to the peace officer
26 that he or she is carrying a pistol or a portable device that uses
27 electro-muscular disruption technology concealed upon his or her

1 person or in his or her vehicle.

2 (4) An individual who violates subsection (1) or (2) is
3 responsible for a state civil infraction and shall be fined
4 \$100.00.

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

7 (a) For a first offense, by a fine of \$500.00 and by the
8 individual's license to carry a concealed pistol being suspended
9 for 6 months.

10 (b) For a subsequent offense within 3 years of a prior
11 offense, by a fine of \$1,000.00 and by the individual's license to
12 carry a concealed pistol being revoked.

13 (6) If an individual is found responsible for a state civil
14 infraction under subsection (5), the peace officer shall notify the
15 department of state police of that civil infraction. The department
16 of state police shall notify the county clerk who issued the
17 license, who shall suspend or revoke that license. The county clerk
18 shall send notice by first-class mail of that suspension or
19 revocation to the individual's last known address as indicated in
20 the records of the county clerk. The department of state police
21 shall immediately enter that suspension or revocation into the law
22 enforcement information network.

23 (7) A pistol or portable device that uses electro-muscular
24 disruption technology carried in violation of this section is
25 subject to immediate seizure by a peace officer. If a peace officer
26 seizes a pistol or portable device that uses electro-muscular
27 disruption technology under this subsection, the individual has 45

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

17 (a) The individual has his or her state-issued driver license
18 or personal identification card in his or her possession when the
19 violation occurs.

20 (b) The peace officer verifies through the law enforcement
21 information network that the individual is licensed to carry a
22 concealed pistol.

23 (8) As used in this section, "peace officer" includes a motor
24 carrier officer appointed under section 6d of 1935 PA 59, MCL
25 28.6d, and security personnel employed by the state under section
26 6c of 1935 PA 59, MCL 28.6c.

27 Sec. 5o. (1) ~~Subject to subsection (5), an~~ **AN** individual **WHO**

1 **IS NOT** licensed under this act to carry a concealed pistol, or who
2 is **NOT** exempt from licensure under section ~~12a(1)(h)~~, **12A(H)**, shall
3 not carry a concealed pistol on the premises of any of the
4 following:

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

12 (b) A public or private child care center or day care center,
13 public or private child caring institution, or public or private
14 child placing agency.

15 (c) A sports arena or stadium.

16 (d) A bar or tavern licensed under the Michigan liquor control
17 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
18 primary source of income of the business is the sale of alcoholic
19 liquor by the glass and consumed on the premises. This subdivision
20 does not apply to an owner or employee of the business. The
21 Michigan liquor control commission shall develop and make available
22 to holders of licenses under the Michigan liquor control code of
23 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
24 stating that "This establishment prohibits patrons from carrying
25 concealed weapons". The owner or operator of an establishment
26 licensed under the Michigan liquor control code of 1998, 1998 PA
27 58, MCL 436.1101 to 436.2303, may post the sign developed under

1 this subdivision.

2 (e) Any property or facility owned or operated by a church,
3 synagogue, mosque, temple, or other place of worship, unless the
4 presiding official or officials of the church, synagogue, mosque,
5 temple, or other place of worship permit the carrying of concealed
6 pistol on that property or facility.

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

12 (g) A hospital.

13 (h) A dormitory or classroom of a community college, college,
14 or university.

15 (2) ~~Subject to subsection (5), an~~ **AN** individual **WHO IS NOT**
16 **LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS NOT**
17 **EXEMPT FROM LICENSURE UNDER SECTION 12A(H)**, shall not carry a
18 portable device that uses electro-muscular disruption technology on
19 any of the premises described in subsection (1).

20 (3) An individual licensed under this act to carry a concealed
21 pistol, or who is exempt from licensure under section ~~12a(1)(h)~~,
22 **12A(H)**, shall not carry a concealed pistol in violation of R
23 432.1212 or a successor rule of the Michigan administrative code
24 promulgated under the Michigan gaming control and revenue act, 1996
25 IL 1, MCL 432.201 to 432.226.

26 (4) As used in subsection (1), "premises" does not include
27 parking areas of the places identified under subsection (1).

~~(5) Subsections (1) and (2) do not apply to any of the following:~~

~~(a) An individual licensed under this act who is a retired police officer, retired law enforcement officer, or retired federal law enforcement officer.~~

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

~~(c) An individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.~~

~~(d) An individual who is licensed under this act and who is a corrections officer of a county sheriff's department or who is licensed under this act and is a retired corrections officer of a county sheriff's department, if that individual has received county sheriff approved weapons training.~~

~~(e) An individual who is licensed under this act and who is a motor carrier officer or capitol security officer of the department of state police.~~

~~(f) An individual who is licensed under this act and who is a member of a sheriff's posse.~~

~~(g) An individual who is licensed under this act and who is an auxiliary officer or reserve officer of a police or sheriff's department.~~

~~(h) An individual who is licensed under this act and who is~~

1 ~~any of the following:~~

2 ~~—— (i) A parole, probation, or corrections officer, or absconder~~
3 ~~recovery unit member, of the department of corrections, if that~~
4 ~~individual has obtained a Michigan department of corrections~~
5 ~~weapons permit.~~

6 ~~—— (ii) A retired parole, probation, or corrections officer, or~~
7 ~~retired absconder recovery unit member, of the department of~~
8 ~~corrections, if that individual has obtained a Michigan department~~
9 ~~of corrections weapons permit.~~

10 ~~—— (i) A state court judge or state court retired judge who is~~
11 ~~licensed under this act.~~

12 ~~—— (j) An individual who is licensed under this act and who is a~~
13 ~~court officer.~~

14 (5) ~~(6)~~ An individual who violates this section is responsible
15 for a state civil infraction or guilty of a crime as follows:

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

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

24 (c) For a third or subsequent violation, the individual is
25 guilty of a felony punishable by imprisonment for not more than 4
26 years or a fine of not more than \$5,000.00, or both. ~~The court~~
27 ~~shall order the individual's license to carry a concealed pistol~~

1 ~~revoked.~~

2 Sec. 12. (1) Section 2 does not apply to any of the following:

3 (a) A police or correctional agency of the United States or of
4 this state or any subdivision of this state.

5 (b) The United States ~~army, air force, navy,~~ **ARMY, AIR FORCE,**
6 **NAVY,** or ~~marine corps.~~ **MARINE CORPS.**

7 (c) An organization authorized by law to purchase or receive
8 weapons from the United States or from this state.

9 (d) The ~~national guard, armed forces reserves,~~ **NATIONAL GUARD,**
10 **UNITED STATES ARMED FORCES RESERVES,** or other duly authorized
11 military organization.

12 (e) A member of an entity or organization described in
13 subdivisions (a) through (d) for a pistol while engaged in the
14 course of his or her duties with that entity or while going to or
15 returning from those duties.

16 (f) A United States citizen holding a license to carry a
17 pistol concealed upon his or her person issued by another state.

18 (g) The regular and ordinary possession and transportation of
19 a pistol as merchandise by an authorized agent of a person licensed
20 to manufacture firearms or a licensed dealer.

21 (h) Purchasing, owning, carrying, possessing, using, or
22 transporting an antique firearm. As used in this subdivision,
23 "antique firearm" means that term as defined in section ~~231a-237A~~
24 of the Michigan penal code, 1931 PA 328, MCL ~~750.231a-750.237A.~~

25 (i) An individual carrying, possessing, using, or transporting
26 a pistol belonging to another individual, if the other individual's
27 possession of the pistol is authorized by law and the individual

1 carrying, possessing, using, or transporting the pistol has
2 obtained a license under section 5b to carry a concealed pistol or
3 is exempt from licensure as provided in section 12a.

4 (2) The amendatory act that added subsection (1)(h) shall be
5 known and may be cited as the "Janet Kukuk act".

6 Sec. 12a. The requirements of this act for obtaining a license
7 to carry a concealed pistol **ON THE PREMISES LISTED IN SECTION 5o** do
8 not apply to any of the following:

9 (a) A peace officer of a duly authorized police agency of the
10 United States or of this state or a political subdivision of this
11 state, who is regularly employed and paid by the United States or
12 this state or a subdivision of this state, except a township
13 constable.

14 (b) A constable who is trained and licensed or certified under
15 the Michigan commission on law enforcement standards act, 1965 PA
16 203, MCL 28.601 to 28.615, while engaged in his or her official
17 duties or going to or coming from his or her official duties, and
18 who is regularly employed and paid by a political subdivision of
19 this state.

20 (c) An individual regularly employed by the department of
21 corrections and authorized in writing by the director of the
22 department of corrections to carry a concealed pistol during the
23 performance of his or her duties or while going to or returning
24 from his or her duties.

25 (d) An individual regularly employed as a local corrections
26 officer by a county sheriff, who is trained in the use of force and
27 is authorized in writing by the county sheriff to carry a concealed

1 pistol during the performance of his or her duties.

2 (e) An individual regularly employed in a city jail or lockup
3 who has custody of individuals detained or incarcerated in the jail
4 or lockup, is trained in the use of force, and is authorized in
5 writing by the chief of police or the county sheriff to carry a
6 concealed pistol during the performance of his or her duties.

7 (f) A member of the United States Army, Air Force, Navy, or
8 Marine Corps while carrying a concealed pistol in the line of duty.

9 (g) A member of the National Guard, ~~armed forces reserves,~~
10 **UNITED STATES ARMED FORCES RESERVES**, or other duly authorized
11 military organization while on duty or drill or while going to or
12 returning from his or her place of assembly or practice or while
13 carrying a concealed pistol for purposes of that military
14 organization.

15 (h) A resident of another state who is licensed by that state
16 to carry a concealed pistol.

17 (i) The regular and ordinary transportation of a pistol as
18 merchandise by an authorized agent of a person licensed to
19 manufacture firearms.

20 (j) An individual while carrying a pistol unloaded in a
21 wrapper or container in the trunk of his or her vehicle or, if the
22 vehicle does not have a trunk, from transporting that pistol
23 unloaded in a locked compartment or container that is separated
24 from the ammunition for that pistol from the place of purchase to
25 his or her home or place of business or to a place of repair or
26 back to his or her home or place of business, or in moving goods
27 from 1 place of abode or business to another place of abode or

1 business.

2 (k) A peace officer or law enforcement officer from Canada.

3 Sec. 15. (1) Except as provided in subsection (2), a federally
4 licensed firearms dealer shall not sell a firearm in this state
5 unless the sale includes 1 of the following:

6 (a) A commercially available trigger lock or other device
7 designed to disable the firearm and prevent the discharge of the
8 firearm.

9 (b) A commercially available gun case or storage container
10 that can be secured to prevent unauthorized access to the firearm.

11 (2) This section does not apply to any of the following:

12 (a) The sale of a firearm to a police officer or a police
13 agency.

14 (b) The sale of a firearm to a person who presents to the
15 federally licensed firearms dealer 1 of the following:

16 (i) A trigger lock or other device designed to disable the
17 firearm and prevent the discharge of the firearm together with a
18 copy of the purchase receipt for the federally licensed firearms
19 dealer to keep. A separate trigger lock or device and a separate
20 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

21 (ii) A gun case or storage container that can be secured to
22 prevent unauthorized access to the firearm together with a copy of
23 the purchase receipt for the federally licensed firearms dealer to
24 keep. A separate gun case or storage container and a separate
25 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

26 (c) The sale of an antique firearm. As used in this
27 subdivision, "antique firearm" means that term as defined in

1 section ~~231a~~**237A** of the Michigan penal code, 1931 PA 328, MCL
2 ~~750.231a~~**750.237A**.

3 (d) The sale or transfer of a firearm if the seller is not a
4 federally licensed firearms dealer.

5 (3) A federally licensed firearms dealer shall not sell a
6 firearm in this state unless the firearm is accompanied with, free
7 of charge, a brochure or pamphlet that includes safety information
8 on the use and storage of the firearm in a home environment.

9 (4) Upon the sale of a firearm, a federally licensed firearms
10 dealer shall sign a statement and require the purchaser to sign a
11 statement stating that the sale is in compliance with subsections
12 (1), (2), and (3).

13 (5) A federally licensed firearms dealer shall retain a copy
14 of the signed statements prescribed in subsection (4) and, if
15 applicable, a copy of the receipt prescribed in subsection (2)(b),
16 for at least 6 years.

17 (6) A federally licensed firearms dealer in this state shall
18 post in a conspicuous manner at the entrances, exits, and all
19 points of sale on the premises where firearms are sold a notice
20 that says the following: "You may be criminally and civilly liable
21 for any harm caused by a person less than 18 years of age who
22 lawfully gains unsupervised access to your firearm if unlawfully
23 stored."

24 (7) A federally licensed firearms dealer is not liable for
25 damages arising from the use or misuse of a firearm if the sale
26 complies with this section, any other applicable law of this state,
27 and applicable federal law.

1 (8) This section does not create a civil action or liability
2 for damages arising from the use or misuse of a firearm or
3 ammunition for a person, other than a federally licensed firearms
4 dealer, who produces a firearm or ammunition.

5 (9) Subject to subsections (10) to (12), a political
6 subdivision shall not bring a civil action against any person who
7 produces a firearm or ammunition. The authority to bring a civil
8 action under this section is reserved exclusively to the state and
9 can be brought only by the attorney general. The court shall award
10 costs and reasonable attorney fees to each defendant named in a
11 civil action filed in violation of this subsection.

12 (10) Subject to subsection (11), subsection (9) does not
13 prohibit a civil action by a political subdivision based on 1 or
14 more of the following, which the court shall narrowly construe:

15 (a) A breach of contract, other contract issue, or an action
16 based on a provision of the uniform commercial code, 1962 PA 174,
17 MCL 440.1101 to ~~440.11102~~, **440.9994**, in which the political
18 subdivision is the purchaser and owner of the firearm or
19 ammunition.

20 (b) Expressed or implied warranties arising from the purchase
21 of a firearm or ammunition by the political subdivision or the use
22 of a firearm or ammunition by an employee or agent of the political
23 subdivision.

24 (c) A product liability, personal injury, or wrongful death
25 action when an employee or agent or property of the political
26 subdivision has been injured or damaged as a result of a defect in
27 the design or manufacture of the firearm or ammunition purchased

1 and owned by the political subdivision.

2 (11) Subsection (10) does not allow an action based on any of
3 the following:

4 (a) A firearm's or ammunition's inherent potential to cause
5 injury, damage, or death.

6 (b) Failure to warn the purchaser, transferee, or user of the
7 firearm's or ammunition's inherent potential to cause injury,
8 damage, or death.

9 (c) Failure to sell with or incorporate into the product a
10 device or mechanism to prevent a firearm or ammunition from being
11 discharged by an unauthorized person unless specifically provided
12 for by contract.

13 (12) Subsections (9) through (11) do not create a civil
14 action.

15 (13) Subsections (9) through (11) are intended only to clarify
16 the current status of the law in this state, are remedial in
17 nature, and, therefore, apply to a civil action pending on ~~the~~
18 ~~effective date of this act.~~ **JUNE 29, 2000.**

19 (14) Beginning September 1, 2000, a person who violates this
20 section is guilty of a crime as follows:

21 (a) Except as provided in subdivision (b) or (c), the person
22 is guilty of a misdemeanor punishable by imprisonment for not more
23 than 93 days or a fine of not more than \$500.00, or both.

24 (b) For a second conviction, the person is guilty of a
25 misdemeanor punishable by imprisonment for not more than 1 year or
26 a fine of not more than \$1,000.00, or both.

27 (c) For a third or subsequent conviction, the person is guilty

1 of a felony punishable by imprisonment for not more than 2 years or
2 a fine of not more than \$5,000.00, or both.

3 (15) As used in this section:

4 (a) "Federally licensed firearms dealer" means a person
5 licensed under ~~section 923 of title 18 of the United States Code,~~
6 ~~18 U.S.C. USC~~ 923.

7 (b) "Firearm or ammunition" includes a component of a firearm
8 or ammunition.

9 (c) "Person" means an individual, partnership, corporation,
10 association, or other legal entity.

11 (d) "Political subdivision" means a county, city, village,
12 township, charter township, school district, community college, or
13 public university or college.

14 (e) "Produce" means to manufacture, construct, design,
15 formulate, develop standards for, prepare, process, assemble,
16 inspect, test, list, certify, give a warning or instructions
17 regarding, market, sell, advertise, package, label, distribute, or
18 transfer.