

# HOUSE BILL No. 5320

December 5, 2017, Introduced by Reps. Cole, Lucido, Phelps, Brann, Miller and Hoitenga  
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 5b and 5o (MCL 28.425b and 28.425o), as amended by 2017 PA 95.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5b. (1) To obtain a license to carry a concealed pistol,

1 an individual shall apply to the county clerk in the county in  
2 which the individual resides. The applicant shall file the  
3 application with the county clerk in the county in which the  
4 applicant resides during the county clerk's normal business hours.  
5 The application must be on a form provided by the director of the  
6 department of state police and allow the applicant to designate  
7 whether the applicant seeks an emergency license. The applicant  
8 shall sign the application under oath. The county clerk or his or  
9 her representative shall administer the oath. An application under  
10 this subsection is not considered complete until an applicant  
11 submits all of the required information and fees and has  
12 fingerprints taken under subsection (9). An application under this  
13 subsection is considered withdrawn if an applicant does not have  
14 fingerprints taken under subsection (9) within 45 days of the date  
15 an application is filed under this subsection. A completed  
16 application and all receipts issued under this section expire 1  
17 year from the date of application. The county clerk shall issue the  
18 applicant a receipt for his or her application at the time the  
19 application is submitted containing the name of the applicant, the  
20 applicant's state-issued driver license or personal identification  
21 card number, the date and time the receipt is issued, the amount  
22 paid, the name of the county in which the receipt is issued, an  
23 impression of the county seal, and the statement, "This receipt was  
24 issued for the purpose of applying for a concealed pistol license  
25 and for obtaining fingerprints related to that application. This  
26 receipt does not authorize an individual to carry a concealed  
27 pistol in this state.". The application must contain all of the

1 following:

2 (a) The applicant's legal name, date of birth, the address of  
3 his or her primary residence, and his or her state-issued driver  
4 license or personal identification card number.

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 department of  
8 state police to access any record needed to perform the  
9 verification in subsection (6).

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

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

17 (i) Any felony.

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

24 (f) A statement by the applicant whether he or she has been  
25 dishonorably discharged from the United States Armed Forces.

26 (g) If an applicant does not have a digitized photograph on  
27 file with the secretary of state, a passport-quality photograph of

1 the applicant provided by the applicant at the time of application.

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

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

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

17 (4) The county clerk shall retain a copy of each application  
18 for a license to carry a concealed pistol as an official record.  
19 One year after the expiration of a concealed pistol license, the  
20 county clerk may destroy the record and a name index of the record  
21 shall be maintained in the database created in section 5e.

22 (5) Each applicant shall pay a nonrefundable application and  
23 licensing fee of \$100.00 by any method of payment accepted by that  
24 county for payments of other fees and penalties. Except as provided  
25 in subsection (9), no other charge, fee, cost, or assessment,  
26 including any local charge, fee, cost, or assessment, is required  
27 of the applicant except as specifically authorized in this act. The

1 applicant shall pay the application and licensing fee to the  
2 county. The county treasurer shall deposit \$26.00 of each  
3 application and licensing fee collected under this section in the  
4 concealed pistol licensing fund of that county created in section  
5 5x. The county treasurer shall forward the balance remaining to the  
6 state treasurer. The state treasurer shall deposit the balance of  
7 the fee in the general fund to the credit of the department of  
8 state police. The department of state police shall use the money  
9 received under this act to process the fingerprints and to  
10 reimburse the Federal Bureau of Investigation for the costs  
11 associated with processing fingerprints submitted under this act.  
12 The balance of the money received under this act must be credited  
13 to the department of state police.

14 (6) The department of state police shall verify the  
15 requirements of subsection (7) (d), (e), (f), (h), (i), (j), (k),  
16 and (m) through the law enforcement information network and the  
17 national instant criminal background check system and shall report  
18 to the county clerk all statutory disqualifications, if any, under  
19 this act that apply to an applicant.

20 (7) The county clerk shall issue and shall send by first-class  
21 mail a license to an applicant to carry a concealed pistol within  
22 the period required under this act if the county clerk determines  
23 that all of the following circumstances exist:

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

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

1 6 months immediately preceding the date of application. The county  
2 clerk shall waive the 6-month residency requirement for an  
3 emergency license under section 5a(4) if the applicant is a  
4 petitioner for a personal protection order issued under section  
5 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,  
6 MCL 600.2950 and 600.2950a, or if the county sheriff determines  
7 that there is clear and convincing evidence to believe that the  
8 safety of the applicant or the safety of a member of the  
9 applicant's family or household is endangered by the applicant's  
10 inability to immediately obtain a license to carry a concealed  
11 pistol. If the applicant holds a valid concealed pistol license  
12 issued by another state at the time the applicant's residency in  
13 this state is established, the county clerk shall waive the 6-month  
14 residency requirement and the applicant may apply for a concealed  
15 pistol license at the time the applicant's residency in this state  
16 is established. For the purposes of this section, an individual is  
17 considered a legal resident of this state if any of the following  
18 apply:

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

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

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

1           (iv) The individual is on active duty status with the United  
2 States Armed Forces and is permanently stationed in this state, but  
3 the individual'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.

8           (d) Based solely on the report received from the department of  
9 state police under subsection (6), the applicant is not the subject  
10 of an order or disposition under any of the following:

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

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

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

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

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

23           (e) Based solely on the report received from the department of  
24 state police under subsection (6), the applicant is not prohibited  
25 from possessing, using, transporting, selling, purchasing,  
26 carrying, shipping, receiving, or distributing a firearm under  
27 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

1 (f) Based solely on the report received from the department of  
2 state police under subsection (6), the applicant has never been  
3 convicted of a felony in this state or elsewhere, and a felony  
4 charge against the applicant is not pending in this state or  
5 elsewhere at the time he or she applies for a license described in  
6 this section.

7 (g) The applicant has not been dishonorably discharged from  
8 the United States Armed Forces.

9 (h) Based solely on the report received from the department of  
10 state police under subsection (6), the applicant has not been  
11 convicted of a misdemeanor violation of any of the following in the  
12 8 years immediately preceding the date of application and a charge  
13 for a misdemeanor violation of any of the following is not pending  
14 against the applicant in this state or elsewhere at the time he or  
15 she applies for a license described in this section:

16 (i) Section 617a (failing to stop when involved in a personal  
17 injury accident), section 625 as punishable under subsection (9) (b)  
18 of that section (operating while intoxicated, second offense),  
19 section 625m as punishable under subsection (4) of that section  
20 (operating a commercial vehicle with alcohol content, second  
21 offense), section 626 (reckless driving), or a violation of section  
22 904(1) (operating while license suspended or revoked, second or  
23 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
24 257.617a, 257.625, 257.625m, 257.626, and 257.904.

25 (ii) Section 185(7) of the aeronautics code of the state of  
26 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under  
27 the influence of intoxicating liquor or a controlled substance with



1 prior conviction).

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

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

8 (v) Section 80176 as punishable under section 80177(1)(b)  
9 (operating vessel under the influence of intoxicating liquor or a  
10 controlled substance, second offense), section 81134 as punishable  
11 under subsection (8)(b) of that section (operating ORV under the  
12 influence of intoxicating liquor or a controlled substance, second  
13 or subsequent offense), or section 82127 as punishable under  
14 section 82128(1)(b) (operating snowmobile under the influence of  
15 intoxicating liquor or a controlled substance, second offense) of  
16 the natural resources and environmental protection act, 1994 PA  
17 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

18 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
19 333.7403 (possession of controlled substance, controlled substance  
20 analogue, or prescription form).

21 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,  
22 MCL 462.353, 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) Section 7 of 1978 PA 33, MCL 722.677 (displaying  
26 sexually explicit matter to minors).

27 (ix) Section 81 (assault or domestic assault), section 81a(1)

1 or (2) (aggravated assault or aggravated domestic assault), section  
2 115 (breaking and entering or entering without breaking), section  
3 136b(7) (fourth degree child abuse), section 145n (vulnerable adult  
4 abuse), section 157b(3)(b) (solicitation to commit a felony),  
5 section 215 (impersonating peace officer or medical examiner),  
6 section 223 (illegal sale of a firearm or ammunition), section 224d  
7 (illegal use or sale of a self-defense spray), section 226a (sale  
8 or possession of a switchblade), section 227c (improper  
9 transportation of a loaded firearm), section 229 (accepting a  
10 pistol in pawn), section 232a (improperly obtaining a pistol,  
11 making a false statement on an application to purchase a pistol, or  
12 using false identification to purchase a pistol), section 233  
13 (intentionally aiming a firearm without malice), section 234  
14 (intentionally discharging a firearm aimed without malice), section  
15 234d (possessing a firearm on prohibited premises), section 234e  
16 (brandishing a firearm in public), section 234f (possession of a  
17 firearm by an individual less than 18 years of age), section 235  
18 (intentionally discharging a firearm aimed without malice causing  
19 injury), section 235a (parent of a minor who possessed a firearm in  
20 a weapon free school zone), section 236 (setting a spring gun or  
21 other device), section 237 (possessing a firearm while under the  
22 influence of intoxicating liquor or a controlled substance),  
23 section 237a (weapon free school zone violation), section 335a  
24 (indecent exposure), section 411h (stalking), or section 520e  
25 (fourth degree criminal sexual conduct) of the Michigan penal code,  
26 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,  
27 750.157b, 750.215, 750.223, 750.224d, 750.226a, 750.227c, 750.229,

1 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,  
2 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and  
3 750.520e.

4 (x) Former section 228 of the Michigan penal code, 1931 PA  
5 328.

6 (xi) Section 1 (reckless, careless, or negligent use of a  
7 firearm resulting in injury or death), section 2 (careless,  
8 reckless, or negligent use of a firearm resulting in property  
9 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
10 45, MCL 752.861, 752.862, and 752.863a.

11 (xii) A violation of a law of the United States, another  
12 state, or a local unit of government of this state or another state  
13 substantially corresponding to a violation described in  
14 subparagraphs (i) to (xi).

15 (i) Based solely on the report received from the department of  
16 state police under subsection (6), the applicant has not been  
17 convicted of a misdemeanor violation of any of the following in the  
18 3 years immediately preceding the date of application unless the  
19 misdemeanor violation is listed under subdivision (h) and a charge  
20 for a misdemeanor violation of any of the following is not pending  
21 against the applicant in this state or elsewhere at the time he or  
22 she applies for a license described in this section:

23 (i) Section 625 (operating under the influence), section 625a  
24 (refusal of commercial vehicle operator to submit to a chemical  
25 test), section 625k (ignition interlock device reporting  
26 violation), section 625l (circumventing an ignition interlock  
27 device), or section 625m punishable under subsection (3) of that

1 section (operating a commercial vehicle with alcohol content) of  
2 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
3 257.625k, 257.625l, and 257.625m.

4 (ii) 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 (iii) Section 81134 (operating ORV under the influence or  
8 operating ORV while visibly impaired), or section 82127 (operating  
9 a snowmobile under the influence) of the natural resources and  
10 environmental protection act, 1994 PA 451, MCL 324.81134 and  
11 324.82127.

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

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

17 (vi) Section 167 (disorderly person), section 174  
18 (embezzlement), section 218 (false pretenses with intent to  
19 defraud), section 356 (larceny), section 356d (second degree retail  
20 fraud), section 359 (larceny from a vacant building or structure),  
21 section 362 (larceny by conversion), section 362a (larceny -  
22 defrauding lessor), section 377a (malicious destruction of  
23 property), section 380 (malicious destruction of real property),  
24 section 535 (receiving or concealing stolen property), or section  
25 540e (malicious use of telecommunications service or device) of the  
26 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
27 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,

1 750.535, and 750.540e.

2 (vii) A violation of a law of the United States, another  
3 state, or a local unit of government of this state or another state  
4 substantially corresponding to a violation described in  
5 subparagraphs (i) to (vi).

6 (j) Based solely on the report received from the department of  
7 state police under subsection (6), the applicant has not been found  
8 guilty but mentally ill of any crime and has not offered a plea of  
9 not guilty of, or been acquitted of, any crime by reason of  
10 insanity.

11 (k) Based solely on the report received from the department of  
12 state police under subsection (6), the applicant is not currently  
13 and has never been subject to an order of involuntary commitment in  
14 an inpatient or outpatient setting due to mental illness.

15 (l) The applicant has filed a statement under subsection  
16 (1)(d) that the applicant does not have a diagnosis of mental  
17 illness that includes an assessment that the individual presents a  
18 danger to himself or herself or to another at the time the  
19 application is made, regardless of whether he or she is receiving  
20 treatment for that illness.

21 (m) Based solely on the report received from the department of  
22 state police under subsection (6), the applicant is not under a  
23 court order of legal incapacity in this state or elsewhere.

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

26 (8) Upon entry of a court order or conviction of 1 of the  
27 enumerated prohibitions for using, transporting, selling,

1 purchasing, carrying, shipping, receiving, or distributing a  
2 firearm in this section the department of state police shall  
3 immediately enter the order or conviction into the law enforcement  
4 information network. For purposes of this act, information of the  
5 court order or conviction must not be removed from the law  
6 enforcement information network, but may be moved to a separate  
7 file intended for the use of the department of state police, the  
8 courts, and other government entities as necessary and exclusively  
9 to determine eligibility to be licensed under this act.

10 (9) An individual, after submitting an application and paying  
11 the fee prescribed under subsection (5), shall request that  
12 classifiable fingerprints be taken by a county clerk, the  
13 department of state police, a county sheriff, a local police  
14 agency, or other entity, if the county clerk, department of state  
15 police, county sheriff, local police agency, or other entity  
16 provides fingerprinting capability for the purposes of this act. An  
17 individual who has had classifiable fingerprints taken under  
18 section 5a(4) does not need additional fingerprints taken under  
19 this subsection. If the individual requests that classifiable  
20 fingerprints be taken by the county clerk, department of state  
21 police, county sheriff, a local police agency, or other entity, the  
22 individual shall also pay a fee of \$15.00 by any method of payment  
23 accepted for payments of other fees and penalties. A county clerk  
24 shall deposit any fee it accepts under this subsection in the  
25 concealed pistol licensing fund of that county created in section  
26 5x. The county clerk, department of state police, county sheriff,  
27 local police agency, or other entity shall take the fingerprints

1 within 5 business days after the request. County clerks, the  
2 department of state police, county sheriffs, local police agencies,  
3 and other entities shall provide reasonable access to  
4 fingerprinting services during normal business hours as is  
5 necessary to comply with the requirements of this act if the county  
6 clerk, department of state police, county sheriff, local police  
7 agency, or other entity provides fingerprinting capability for the  
8 purposes of this act. The entity providing fingerprinting services  
9 shall issue the individual a receipt at the time his or her  
10 fingerprints are taken. The county clerk, department of state  
11 police, county sheriff, local police agency, or other entity shall  
12 not provide a receipt under this subsection unless the individual  
13 requesting the fingerprints provides an application receipt  
14 received under subsection (1). A receipt under this subsection must  
15 contain all of the following:

- 16 (a) The name of the individual.
- 17 (b) The date and time the receipt is issued.
- 18 (c) The amount paid.
- 19 (d) The name of the entity providing the fingerprint services.
- 20 (e) The individual's state-issued driver license or personal  
21 identification card number.
- 22 (f) The statement "This receipt was issued for the purpose of  
23 applying for a concealed pistol license. As provided in section 5b  
24 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory  
25 disqualification is not issued within 45 days after the date this  
26 receipt was issued, this receipt shall serve as a concealed pistol  
27 license for the individual named in the receipt when carried with

1 an official state-issued driver license or personal identification  
2 card. The receipt is valid as a license until a license or notice  
3 of statutory disqualification is issued by the county clerk. This  
4 receipt does not exempt the individual named in the receipt from  
5 complying with all applicable laws for the purchase of firearms.".

6 (10) The fingerprints must be taken, under subsection (9), in  
7 a manner prescribed by the department of state police. The county  
8 clerk, county sheriff, local police agency, or other entity shall  
9 immediately forward the fingerprints taken by that entity to the  
10 department of state police for comparison with fingerprints already  
11 on file with the department of state police. The department of  
12 state police shall immediately forward the fingerprints to the  
13 Federal Bureau of Investigation. Within 5 business days after  
14 completing the verification under subsection (6), the department  
15 shall send the county clerk a list of an individual's statutory  
16 disqualifications under this act. Except as provided in section  
17 5a(4), the county clerk shall not issue a concealed pistol license  
18 until he or she receives the report of statutory disqualifications  
19 prescribed in this subsection. If an individual's fingerprints are  
20 not classifiable, the department of state police shall, at no  
21 charge, take the individual's fingerprints again or provide for the  
22 comparisons under this subsection to be conducted through  
23 alternative means. The county clerk shall not issue a notice of  
24 statutory disqualification because an individual's fingerprints are  
25 not classifiable by the Federal Bureau of Investigation.

26 (11) The county clerk shall send by first-class mail a notice  
27 of statutory disqualification for a license under this act to an



1 individual if the individual is not qualified under subsection (7)  
2 to receive that license.

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

6 (13) Subject to subsection (10), the department of state  
7 police shall complete the verification required under subsection  
8 (6) and the county clerk shall issue a license or a notice of  
9 statutory disqualification within 45 days after the date the  
10 individual has classifiable fingerprints taken under subsection  
11 (9). The county clerk shall include an indication on the license if  
12 an individual is exempt from the prohibitions against carrying a  
13 concealed pistol on premises described in section 5o if the  
14 applicant provides acceptable proof that he or she qualifies for  
15 that exemption. If the county clerk receives notice from a county  
16 sheriff or chief law enforcement officer that a licensee is no  
17 longer a member of a sheriff's posse, an auxiliary officer, or a  
18 reserve officer, the county clerk shall notify the licensee that he  
19 or she shall surrender the concealed pistol license indicating that  
20 the individual is exempt from the prohibitions against carrying a  
21 concealed pistol on premises described in section 5o. The licensee  
22 shall, within 30 days after receiving notice from the county clerk,  
23 surrender the license indicating that the individual is exempt from  
24 the prohibitions against carrying a concealed pistol on premises  
25 described in section 5o and obtain a replacement license after  
26 paying the fee required under subsection (15). If the county clerk  
27 issues a notice of statutory disqualification, the county clerk

1 shall within 5 business days do all of the following:

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

5 (i) A statement of each statutory disqualification identified.

6 (ii) The source of the record for each statutory  
7 disqualification identified.

8 (iii) The contact information for the source of the record for  
9 each statutory disqualification identified.

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

13 (c) Inform the individual that he or she should contact the  
14 source of the record for any statutory disqualification to correct  
15 any errors in the record resulting in the statutory  
16 disqualification.

17 (14) If a license or notice of statutory disqualification is  
18 not issued under subsection (13) within 45 days after the date the  
19 individual has classifiable fingerprints taken under subsection  
20 (9), the receipt issued under subsection (9) serves as a concealed  
21 pistol license for purposes of this act when carried with a state-  
22 issued driver license or personal identification card and is valid  
23 until a license or notice of statutory disqualification is issued  
24 by the county clerk.

25 (15) If an individual licensed under this act to carry a  
26 concealed pistol moves to a different county within this state, his  
27 or her license remains valid until it expires or is otherwise

1 suspended or revoked under this act. An individual may notify a  
2 county clerk that he or she has moved to a different address within  
3 this state for the purpose of receiving the notice under section  
4 5/(1). A license to carry a concealed pistol that is lost, stolen,  
5 defaced, or replaced for any other reason may be replaced by the  
6 issuing county clerk for a replacement fee of \$10.00. A county  
7 clerk shall deposit a replacement fee under this subsection in the  
8 concealed pistol licensing fund of that county created in section  
9 5x.

10 (16) If a license issued under this act is suspended or  
11 revoked, the license is forfeited and the individual shall return  
12 the license to the county clerk forthwith by mail or in person. The  
13 county clerk shall retain a suspended or revoked license as an  
14 official record 1 year after the expiration of the license, unless  
15 the license is reinstated or a new license is issued. The county  
16 clerk shall notify the department of state police if a license is  
17 suspended or revoked. The department of state police shall enter  
18 that suspension or revocation into the law enforcement information  
19 network. An individual who fails to return a license as required  
20 under this subsection after he or she was notified that his or her  
21 license was suspended or revoked is guilty of a misdemeanor  
22 punishable by imprisonment for not more than 93 days or a fine of  
23 not more than \$500.00, or both.

24 (17) An applicant or an individual licensed under this act to  
25 carry a concealed pistol may be furnished a copy of his or her  
26 application under this section upon request and the payment of a  
27 reasonable fee not to exceed \$1.00. The county clerk shall deposit

1 any fee collected under this subsection in the concealed pistol  
2 licensing fund of that county created in section 5x.

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

7 (19) A county clerk issuing an initial license or renewal  
8 license under this act shall mail the license to the licensee by  
9 first-class mail in a sealed envelope. Upon payment of the fee  
10 under subsection (15), a county clerk shall issue a replacement  
11 license in person at the time of application for a replacement  
12 license. A county clerk may also deliver a replacement license by  
13 first-class mail if the individual submits to the clerk a written  
14 request and a copy of the individual's state-issued driver license  
15 or personal identification card.

16 (20) A county clerk, county sheriff, county prosecuting  
17 attorney, police department, or the department of state police is  
18 not liable for civil damages as a result of issuing a license under  
19 this act to an individual who later commits a crime or a negligent  
20 act.

21 (21) An individual licensed under this act to carry a  
22 concealed pistol may voluntarily surrender that license without  
23 explanation. A county clerk shall retain a surrendered license as  
24 an official record for 1 year after the license is surrendered. If  
25 an individual voluntarily surrenders a license under this  
26 subsection, the county clerk shall notify the department of state  
27 police. The department of state police shall enter into the law

1 enforcement information network that the license was voluntarily  
2 surrendered and the date the license was voluntarily surrendered.

3 (22) As used in this section:

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

5 (i) For a retired police officer, ~~or a~~ retired law enforcement  
6 officer, **OR A RETIRED MOTOR CARRIER OFFICER OF THE DEPARTMENT OF**  
7 **STATE POLICE**, the officer's retired identification or a letter from  
8 a law enforcement agency stating that the retired police officer or  
9 law enforcement officer retired in good standing.

10 (ii) For an individual who is employed or contracted by an  
11 entity described under section 5o(1) to provide security services,  
12 a letter from that entity stating that the employee is required by  
13 his or her employer or the terms of a contract to carry a concealed  
14 firearm on the premises of the employing or contracting entity and  
15 his or her employee identification.

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

20 (iv) For an individual who is a corrections officer of a  
21 county sheriff's department, his or her employee identification and  
22 a letter stating that the individual has received county sheriff  
23 approved weapons training.

24 (v) For an individual who is a retired corrections officer of  
25 a county sheriff's department, a letter from the county sheriff's  
26 office stating that the retired corrections officer retired in good  
27 standing and that the individual has received county sheriff

1 approved weapons training.

2 (vi) For an individual who is a motor carrier officer or  
3 capitol security officer of the department of state police, his or  
4 her employee identification.

5 (vii) For an individual who is a member of a sheriff's posse,  
6 his or her identification.

7 (viii) For an individual who is an auxiliary officer or  
8 reserve officer of a police or sheriff's department, his or her  
9 employee identification.

10 (ix) For an individual who is a parole, probation, or  
11 corrections officer, or absconder recovery unit member, of the  
12 department of corrections, his or her employee identification and  
13 proof that the individual obtained a Michigan department of  
14 corrections weapons permit.

15 (x) For an individual who is a retired parole, probation, or  
16 corrections officer, or retired absconder recovery unit member, of  
17 the department of corrections, a letter from the department of  
18 corrections stating that the retired parole, probation, or  
19 corrections officer, or retired absconder recovery unit member,  
20 retired in good standing and proof that the individual obtained a  
21 Michigan department of corrections weapons permit.

22 (xi) For a state court judge or state court retired judge, a  
23 letter from the judicial tenure commission stating that the state  
24 court judge or state court retired judge is in good standing.

25 (xii) For an individual who is a court officer, his or her  
26 employee identification.

27 (xiii) For a retired federal law enforcement officer, the

1 identification required under the law enforcement officers safety  
2 act or a letter from a law enforcement agency stating that the  
3 retired federal law enforcement officer retired in good standing.

4 (xiv) For an individual who is a peace officer, his or her  
5 employee identification.

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

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

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

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

1 or both.

2 (f) "Treatment" means care or any therapeutic service,  
3 including, but not limited to, the administration of a drug, and  
4 any other service for the treatment of a mental illness.

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

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

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

19 (c) A sports arena or stadium.

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



1 stating that "This establishment prohibits patrons from carrying  
2 concealed weapons". The owner or operator of an establishment  
3 licensed under the Michigan liquor control code of 1998, 1998 PA  
4 58, MCL 436.1101 to 436.2303, may post the sign developed under  
5 this subdivision.

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

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

16 (g) A hospital.

17 (h) A dormitory or classroom of a community college, college,  
18 or university.

19 (2) Subject to subsection (5), an individual shall not carry a  
20 portable device that uses electro-muscular disruption technology on  
21 any of the premises described in subsection (1).

22 (3) An individual licensed under this act to carry a concealed  
23 pistol, or who is exempt from licensure under section 12a(h), shall  
24 not carry a concealed pistol in violation of R 432.1212 of the  
25 Michigan Administrative Code promulgated under the Michigan gaming  
26 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

27 (4) As used in subsection (1), "premises" does not include

1 parking areas of the places identified under subsection (1).

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

4 (a) An individual licensed under this act who is a retired  
5 police officer, retired law enforcement officer, **RETIRED MOTOR**  
6 **CARRIER OFFICER OF THE DEPARTMENT OF STATE POLICE**, or retired  
7 federal law enforcement officer.

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

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

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

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

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

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

1 department.

2 (h) An individual who is licensed under this act and who is  
3 any of the following:

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

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

12 (i) A state court judge or state court retired judge who is  
13 licensed under this act.

14 (j) An individual who is licensed under this act and who is a  
15 court officer.

16 (k) An individual who is licensed under this act and who is a  
17 peace officer.

18 (6) An individual who violates this section is responsible for  
19 a state civil infraction or guilty of a crime as follows:

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

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

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