

# SENATE BILL No. 938

April 12, 2018, Introduced by Senators KNEZEK, ANANICH, HERTEL, HOPGOOD, BIEDA, CONYERS, YOUNG, GREGORY, HOOD and WARREN and referred to the Committee on Government Operations.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 2, 2b, and 5b (MCL 28.422, 28.422b, and 28.425b), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and section 5b as amended by 2015 PA 207.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

26 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
27 330.1464a.

(ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.

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

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

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

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

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

**(viii) THE EXTREME RISK PROTECTION ORDER ACT.**

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

(c) The ~~person~~-**INDIVIDUAL** is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, ~~a person~~ **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 Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

7           (iv) The ~~person~~-**INDIVIDUAL** is on active duty status with the  
8 United States ~~armed forces~~-**ARMED FORCES** and is permanently  
9 stationed in this state, but the ~~person's~~-**INDIVIDUAL'S** home of  
10 record is in another state.

11           (d) A felony charge or a criminal charge listed in section 5b  
12 against the ~~person~~-**INDIVIDUAL** is not pending at the time of  
13 application.

14           (e) The ~~person~~-**INDIVIDUAL** is not prohibited from possessing,  
15 using, transporting, selling, purchasing, carrying, shipping,  
16 receiving, or distributing a firearm under section 224f of the  
17 Michigan penal code, 1931 PA 328, MCL 750.224f.

18           (f) The ~~person~~-**INDIVIDUAL** has not been adjudged insane in this  
19 state or elsewhere unless he or she has been adjudged restored to  
20 sanity by court order.

21           (g) The ~~person~~-**INDIVIDUAL** is not under an order of involuntary  
22 commitment in an inpatient or outpatient setting due to mental  
23 illness.

24           (h) The ~~person~~-**INDIVIDUAL** has not been adjudged legally  
25 incapacitated in this state or elsewhere. This subdivision does not  
26 apply to a ~~person~~-**AN INDIVIDUAL** who has had his or her legal  
27 capacity restored by order of the court.

1           (4) ~~Applications~~ **AN APPLICANT SHALL SIGN APPLICATIONS** for  
2 ~~licenses~~ **A LICENSE** under this section shall ~~be signed by the~~  
3 ~~applicant~~ **SIGN THE APPLICATION** under oath ~~upon forms~~ **ON A FORM**  
4 provided by the director of the department of state police.  
5 ~~Licenses~~ **A LICENSING AUTHORITY SHALL ISSUE A LICENSE** to purchase,  
6 carry, possess, or transport pistols ~~shall be executed in~~  
7 triplicate ~~upon forms~~ **ON A FORM** provided by the director of the  
8 department of state police. ~~and shall be signed by the~~ **THE**  
9 licensing authority **SHALL SIGN ANY LICENSE ISSUED UNDER THIS**  
10 **SECTION.** ~~Three~~ **THE LICENSING AUTHORITY SHALL DELIVER 3** copies of  
11 the license ~~shall be delivered to the applicant. by the licensing~~  
12 ~~authority.~~ A license is void unless used within 30 days after the  
13 date it is issued.

14           (5) If an individual purchases or otherwise acquires a pistol,  
15 the seller shall fill out the license forms describing the pistol,  
16 together with the date of sale or acquisition, and sign his or her  
17 name in ink indicating that the pistol was sold to or otherwise  
18 acquired by the purchaser. The purchaser shall also sign his or her  
19 name in ink indicating the purchase or other acquisition of the  
20 pistol from the seller. The seller may retain a copy of the license  
21 as a record of the transaction. The purchaser shall receive 2  
22 copies of the license. The purchaser shall return 1 copy of the  
23 license to the licensing authority within 10 days after the date  
24 the pistol is purchased or acquired. The **PURCHASER MAY** return ~~of~~  
25 the copy to the licensing authority ~~may be made in person or may be~~  
26 ~~made~~ by first-class mail or certified mail sent within the 10-day  
27 period to the proper address of the licensing authority. A

1 purchaser who fails to comply with the requirements of this  
2 subsection is responsible for a state civil infraction and may be  
3 fined not more than \$250.00. If a purchaser is found responsible  
4 for a state civil infraction under this subsection, the court shall  
5 notify the department of state police of that determination.

6 (6) Within 10 days after receiving the license copy returned  
7 under subsection (5), the licensing authority shall electronically  
8 enter the information into the pistol entry database as required by  
9 the department of state police if it has the ability to  
10 electronically enter that information. If the licensing authority  
11 does not have that ability, the licensing authority shall provide  
12 that information to the department of state police in a manner  
13 otherwise required by the department of state police. Any licensing  
14 authority that provided pistol descriptions to the department of  
15 state police under former section 9 of this act shall continue to  
16 provide pistol descriptions to the department of state police under  
17 this subsection. Within 48 hours after entering or otherwise  
18 providing the information on the license copy returned under  
19 subsection (5) to the department of state police, the licensing  
20 authority shall forward the copy of the license to the department  
21 of state police. The purchaser ~~has the right to~~ **MAY** obtain a copy  
22 of the information placed in the pistol entry database under this  
23 subsection to verify the accuracy of that information. The  
24 licensing authority may charge a fee not to exceed \$1.00 for the  
25 cost of providing the copy. The licensee may carry, use, possess,  
26 and transport the pistol for 30 days beginning on the date of  
27 purchase or acquisition only while he or she is in possession of

1 his or her copy of the license. However, the person is not required  
2 to have the license in his or her possession while carrying, using,  
3 possessing, or transporting the pistol after this period.

4 (7) This section does not apply to the purchase of pistols  
5 from wholesalers by dealers regularly engaged in the business of  
6 selling pistols at retail, or to the sale, barter, or exchange of  
7 pistols kept as relics or curios not made for modern ammunition or  
8 permanently deactivated.

9 (8) This section does not prevent the transfer of ownership of  
10 pistols to an heir or devisee, whether by testamentary bequest or  
11 by the laws of intestacy regardless of whether the pistol is  
12 registered with this state. An individual who has inherited a  
13 pistol shall obtain a license as required in this section within 30  
14 days of taking physical possession of the pistol. The license may  
15 be signed by a next of kin of the decedent or the person authorized  
16 to dispose of property under the estates and protected individuals  
17 code, 1998 PA 386, MCL 700.1101 to 700.8206, including when the  
18 next of kin is the individual inheriting the pistol. If the heir or  
19 devisee is not qualified for a license under this section, the heir  
20 or devisee may direct the next of kin or person authorized to  
21 dispose of property under the estates and protected individuals  
22 code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose of the  
23 pistol in any manner that is lawful and the heir or devisee  
24 considers appropriate. The person authorized to dispose of property  
25 under the estates and protected individuals code, 1998 PA 386, MCL  
26 700.1101 to 700.8206, is not required to obtain a license under  
27 this section if he or she takes temporary lawful possession of the

1 pistol in the process of disposing of the pistol pursuant to the  
2 decedent's testamentary bequest or the laws of intestacy. A law  
3 enforcement agency may not seize or confiscate a pistol being  
4 transferred by testamentary bequest or the laws of intestacy unless  
5 the heir or devisee does not qualify for obtaining a license under  
6 this section and the next of kin or person authorized to dispose of  
7 property under the estates and protected individuals code, 1998 PA  
8 386, MCL 700.1101 to 700.8206, is unable to retain his or her  
9 temporary possession of the pistol or find alternative lawful  
10 storage. If a law enforcement agency seizes or confiscates a pistol  
11 under this subsection, the heir or devisee who is not qualified to  
12 obtain a license under this section retains ownership interest in  
13 the pistol and, within 30 days of being notified of the seizure or  
14 confiscation, may file with a court of competent jurisdiction to  
15 direct the law enforcement agency to lawfully transfer or otherwise  
16 dispose of the pistol. **A- THE SEIZING ENTITY OR ITS AGENTS SHALL NOT**  
17 **DESTROY, SELL, OR USE A** pistol seized under this subsection ~~shall~~  
18 ~~not be destroyed, sold, or used while in possession of the seizing~~  
19 ~~entity or its agents~~ until 30 days have passed since the heir or  
20 devisee has been notified of the seizure and no legal action  
21 regarding the lawful possession or ownership of the seized pistol  
22 has been filed in any court and is pending. As used in this  
23 subsection:

24 (a) "Devisee" means that term as defined in section 1103 of  
25 the estates and protected individuals code, 1998 PA 386, MCL  
26 700.1103.

27 (b) "Heir" means that term as defined in section 1104 of the



1 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

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

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

7 (b) The individual is in possession of the license described  
8 in subdivision (a).

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

11 (d) The individual possesses the pistol for a lawful purpose.

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

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

19 (11) The licensing authority may require ~~a person~~ **AN**  
20 **INDIVIDUAL** claiming active duty status with the United States ~~armed~~  
21 ~~forces~~ **ARMED FORCES** to provide proof of 1 or both of the following:

22 (a) The ~~person's~~ **INDIVIDUAL'S** home of record.

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

24 (12) This section does not apply to ~~a person~~ **AN INDIVIDUAL** who  
25 is younger than the age required under subsection (3)(b) and who  
26 possesses a pistol if all of the following conditions apply:

27 (a) The ~~person~~ **INDIVIDUAL** is not otherwise prohibited from

1 possessing that pistol.

2 (b) The ~~person~~-**INDIVIDUAL** is at a recognized target range.

3 (c) The ~~person~~-**INDIVIDUAL** possesses the pistol for the purpose  
4 of target practice or instruction in the safe use of a pistol.

5 (d) The ~~person~~-**INDIVIDUAL** is in the physical presence and  
6 under the direct supervision of any of the following:

7 (i) The ~~person's~~-**INDIVIDUAL'S** parent.

8 (ii) The ~~person's~~-**INDIVIDUAL'S** guardian.

9 (iii) An individual who is 21 years of age or older, who is  
10 authorized by the ~~person's~~-**INDIVIDUAL'S** parent or guardian, and who  
11 has successfully completed a pistol safety training course or class  
12 that meets the requirements of section 5j(1)(a), (b), or (d), and  
13 received a certificate of completion.

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

15 (13) This section does not apply to a ~~person~~-**AN INDIVIDUAL** who  
16 possesses a pistol if all of the following conditions apply:

17 (a) The ~~person~~-**INDIVIDUAL** is not otherwise prohibited from  
18 possessing a pistol.

19 (b) The ~~person~~-**INDIVIDUAL** is at a recognized target range or  
20 shooting facility.

21 (c) The ~~person~~-**INDIVIDUAL** possesses the pistol for the purpose  
22 of target practice or instruction in the safe use of a pistol.

23 (d) The owner of the pistol is physically present and  
24 supervising the use of the pistol.

25 (14) A person who forges any matter on an application for a  
26 license under this section is guilty of a felony, punishable by  
27 imprisonment for not more than 4 years or a fine of not more than

1 \$2,000.00, or both.

2 (15) A licensing authority shall implement this section during  
3 all of the licensing authority's normal business hours and shall  
4 set hours for implementation that allow an applicant to use the  
5 license within the time period set forth in subsection (4).

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

14 (a) The name of the ~~person~~**INDIVIDUAL**.

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

17 (c) A statement that the ~~person~~**INDIVIDUAL** cannot obtain a  
18 license to purchase a pistol or obtain a concealed weapon license  
19 until the order or disposition is removed from the law enforcement  
20 information network.

21 (d) A statement that the ~~person~~**INDIVIDUAL** may request that  
22 the state police correct or expunge inaccurate information entered  
23 into the law enforcement information network.

24 (2) A ~~person~~**AN INDIVIDUAL** who is the subject of an order  
25 entered into the law enforcement information network under any  
26 provision of law described in section 2(3)(a) may request that the  
27 department of state police do either of the following:

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

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

10 (i) The ~~person~~**INDIVIDUAL** is not subject to an order of  
11 involuntary commitment in an inpatient or outpatient setting due to  
12 mental illness.

13 (ii) The ~~person~~**INDIVIDUAL** is not subject to an order or  
14 disposition determining that the ~~person~~**INDIVIDUAL** is legally  
15 incapacitated.

16 (iii) The ~~person~~**INDIVIDUAL** is not subject to a personal  
17 protection order issued under any of the following:

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

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

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

23 (iv) The ~~person~~**INDIVIDUAL** is not subject to an order for  
24 release subject to protective conditions that prohibits the  
25 purchase or possession of a firearm by the person issued under  
26 section 6b of chapter V of the code of criminal procedure, 1927 PA  
27 175, MCL 765.6b.

1           (v) **THE INDIVIDUAL IS NOT SUBJECT TO AN ORDER ISSUED UNDER THE**  
2 **EXTREME RISK PROTECTION ORDER ACT.**

3           (3) Before the expiration of 30 days after a request is made  
4 to amend an inaccuracy in the law enforcement information network  
5 under subsection (2)(a) or to expunge 1 or more specific entries  
6 from the law enforcement information network under subsection  
7 (2)(b)(i) to ~~(iv)~~, **(v)**, the department of state police shall  
8 conduct an investigation concerning the accuracy of the information  
9 contained in the law enforcement information network, either grant  
10 or deny the request and provide the ~~person~~ **INDIVIDUAL** with written  
11 notice of that grant or denial. ~~A notice of denial~~ **THE DEPARTMENT**  
12 **OF STATE POLICE** shall include **IN A NOTICE OF DENIAL** a statement  
13 specifying the basis of the denial, and that ~~a person~~ **AN INDIVIDUAL**  
14 may appeal the denial pursuant to the administrative procedures act  
15 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

26           (5) The department of state police shall not send written  
27 notice of an entry of an order or disposition into the law

1 enforcement information network as required for a personal  
 2 protection order issued under section 2950 or 2950a of the revised  
 3 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **OR**  
 4 **AN EXTREME RISK PROTECTION ORDER ISSUED UNDER THE EXTREME RISK**  
 5 **PROTECTION ORDER ACT**, until ~~that~~**THE** department has received notice  
 6 that the respondent of the order has been served with or has  
 7 received notice of the personal protection order **OR EXTREME RISK**  
 8 **PROTECTION ORDER**.

9       Sec. 5b. (1) ~~Until November 30, 2015, to obtain a license to~~  
 10 ~~carry a concealed pistol, an individual shall apply to the~~  
 11 ~~concealed weapon licensing board in the county in which that~~  
 12 ~~individual resides. Beginning December 1, 2015, to~~ **TO** obtain a  
 13 license to carry a concealed pistol, an individual shall apply to  
 14 the county clerk in the county in which the individual resides. The  
 15 applicant shall file the application with the county clerk in the  
 16 county in which the applicant resides during the county clerk's  
 17 normal business hours ~~. The application shall be on a form provided~~  
 18 ~~by the director of the department of state police. Until November~~  
 19 ~~30, 2015, the application shall allow the applicant to designate~~  
 20 ~~whether the applicant seeks a temporary license. Beginning December~~  
 21 ~~1, 2015, the~~ **THE** application shall **MUST** allow the applicant to  
 22 designate whether the applicant seeks an emergency license. The  
 23 **APPLICANT SHALL SIGN THE** application ~~shall be signed under oath. by~~  
 24 ~~the applicant. The oath shall be administered by the county clerk~~  
 25 ~~or his or her representative~~ **SHALL ADMINISTER THE OATH**. Beginning  
 26 ~~December 1, 2015, not~~ **NOT** more than 1 application may be submitted  
 27 under this subsection in any calendar year. ~~Beginning December 1,~~

1 ~~2015, an~~ **AN** application under this subsection is not considered  
2 complete until an applicant submits all of the required information  
3 and fees and has fingerprints taken under subsection (9). ~~Beginning~~  
4 ~~December 1, 2015, an~~ **AN** application under this subsection is  
5 considered withdrawn if an applicant does not have fingerprints  
6 taken under subsection (9) within 45 days of the date an  
7 application is filed under this subsection. ~~Beginning December 1,~~  
8 ~~2015, a~~ **A** completed application under this section expires 1 year  
9 from the date of application. ~~Beginning December 1, 2015, the~~ **THE**  
10 county clerk shall issue the applicant a receipt for his or her  
11 application at the time the application is submitted containing the  
12 name of the applicant, the applicant's state-issued driver license  
13 or personal identification card number, the date and time the  
14 receipt is issued, the amount paid, the name of the county in which  
15 the receipt is issued, an impression of the county seal, and the  
16 statement, "This receipt was issued for the purpose of applying for  
17 a concealed pistol license and for obtaining fingerprints related  
18 to that application. This receipt does not authorize an individual  
19 to carry a concealed pistol in this state.". The application ~~shall~~  
20 **MUST** contain all of the following:

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

27 (b) A statement by the applicant that the applicant meets the

1 criteria for a license under this act to carry a concealed pistol.

2 ~~(c) Until November 30, 2015, a statement by the applicant~~  
3 ~~authorizing the concealed weapon licensing board to access any~~  
4 ~~record, including any medical record, pertaining to the applicant's~~  
5 ~~qualifications for a license to carry a concealed pistol under this~~  
6 ~~act. The applicant may request that information received by the~~  
7 ~~concealed weapon licensing board under this subdivision be reviewed~~  
8 ~~in a closed session. If the applicant requests that the session be~~  
9 ~~closed, the concealed weapon licensing board shall close the~~  
10 ~~session only for purposes of this subdivision. The applicant and~~  
11 ~~his or her representative have the right to be present in the~~  
12 ~~closed session. Beginning December 1, 2015, a~~ A statement by the  
13 applicant authorizing the department of state police to access any  
14 record needed to perform the verification in subsection (6).

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

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

22 (i) Any felony.

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



1 the application.

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

5 ~~\_\_\_\_\_ (g) Until November 30, 2015, if the applicant seeks a~~  
6 ~~temporary license, the facts supporting the issuance of that~~  
7 ~~temporary license.~~

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

11 **(G)** ~~(i) Until November 30, 2015, a passport quality photograph~~  
12 ~~of the applicant provided by the applicant at the time of~~  
13 ~~application. Beginning December 1, 2015, if~~ **IF** ~~an applicant does~~  
14 ~~not have a digitized photograph on file with the secretary of~~  
15 ~~state, a passport-quality photograph of the applicant provided by~~  
16 ~~the applicant at the time of application.~~

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

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

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

5 (4) The county clerk shall retain a copy of each application  
6 for a license to carry a concealed pistol as an official record.  
7 One year after the expiration of a concealed pistol license, the  
8 county clerk may destroy the record and maintain only a name index  
9 of the record.

10 (5) ~~Until November 30, 2015, each applicant shall pay a~~  
11 ~~nonrefundable application and licensing fee of \$105.00 by any~~  
12 ~~method of payment accepted by that county for payments of other~~  
13 ~~fees and penalties. Beginning December 1, 2015, each~~ **EACH** applicant  
14 shall pay an application and licensing fee of \$100.00 by any method  
15 of payment accepted by that county for payments of other fees and  
16 penalties. Except as provided in subsection (9), no other charge,  
17 fee, cost, or assessment, including any local charge, fee, cost, or  
18 assessment, is required of the applicant except as specifically  
19 authorized in this act. The **APPLICANT SHALL PAY THE** application and  
20 licensing fee ~~shall be payable to the county. Until November 30,~~  
21 ~~2015, the county treasurer shall deposit \$15.00 of each application~~  
22 ~~and licensing fee collected under this section in the general fund~~  
23 ~~of the county and credit that deposit to the credit of the county~~  
24 ~~sheriff and deposit \$26.00 of each fee collected under this section~~  
25 ~~in the concealed pistol licensing fund of that county created in~~  
26 ~~section 5x. Beginning December 1, 2015, the~~ **THE** county treasurer  
27 shall deposit \$26.00 of each application and licensing fee

1 collected under this section in the concealed pistol licensing fund  
2 of that county created in section 5x. The county treasurer shall  
3 forward the balance remaining to the state treasurer. The state  
4 treasurer shall deposit the balance of the fee in the general fund  
5 to the credit of the department of state police. The department of  
6 state police shall use the money received under this act to process  
7 the fingerprints and to reimburse the Federal Bureau of  
8 Investigation for the costs associated with processing fingerprints  
9 submitted under this act. The **STATE TREASURER SHALL CREDIT THE**  
10 balance of the money received under this act ~~shall be credited to~~  
11 the department of state police.

12 ~~(6) Until November 30, 2015, the county sheriff on behalf of~~  
13 ~~the concealed weapon licensing board shall verify the requirements~~  
14 ~~of subsection (7) (d), (e), (f), (h), (i), (j), (k), (l), and (m)~~  
15 ~~through the law enforcement information network and report his or~~  
16 ~~her finding to the concealed weapon licensing board. Beginning~~  
17 ~~December 1, 2015, the~~ **THE** department of state police shall verify  
18 the requirements of subsection (7) (d), (e), (f), (h), (i), (j),  
19 (k), and (m) through the law enforcement information network and  
20 the national instant criminal background check system and shall  
21 report to the county clerk all statutory disqualifications, if any,  
22 under this act that apply to an applicant. ~~Until November 30, 2015,~~  
23 ~~if the applicant resides in a city, village, or township that has a~~  
24 ~~police department, the concealed weapon licensing board shall~~  
25 ~~contact that city, village, or township police department to~~  
26 ~~determine only whether that city, village, or township police~~  
27 ~~department has any information relevant to the investigation of~~

~~whether the applicant is eligible under this act to receive a license to carry a concealed pistol. Until November 30, 2015, the concealed weapon licensing board may require a person claiming active duty status with the United States armed forces under this section to provide proof of 1 or both of the following:~~

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

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

~~(7) Until November 30, 2015, the concealed weapon licensing board and, beginning December 1, 2015, the~~ **THE** county clerk shall issue and shall send by first-class mail a license to an applicant to carry a concealed pistol within the period required under this act if the ~~concealed weapon licensing board or county clerk~~ determines that all of the following circumstances exist:

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

(b) The applicant is a citizen of the United States or is an alien lawfully admitted into the United States, is a legal resident of this state, and has resided in this state for not less than the 6 months immediately preceding the date of application. ~~Until November 30, 2015, the concealed weapon licensing board may waive the 6 month residency requirement for a temporary license under section 5a(8) if the concealed weapon licensing board determines that there is probable cause to believe that the safety of the applicant or the safety of a member of the applicant's family is endangered by the applicant's inability to immediately obtain a license to carry a concealed pistol. Until November 30, 2015, if the applicant holds a valid concealed pistol license issued by another state at the time the applicant's residency in this state~~

1 ~~is established, the concealed weapon licensing board may waive the~~  
2 ~~6-month waiting period and the applicant may apply for a concealed~~  
3 ~~pistol license at the time the applicant's residency in this state~~  
4 ~~is established. Until November 30, 2015, the concealed weapon~~  
5 ~~licensing board shall immediately issue a temporary license to that~~  
6 ~~applicant. Until November 30, 2015, the temporary license is valid~~  
7 ~~until the concealed weapon licensing board decides whether to grant~~  
8 ~~or deny the application. Beginning December 1, 2015, the~~ **THE** county  
9 clerk shall waive the 6-month residency requirement for an  
10 emergency license under section 5a(4) if the applicant is a  
11 petitioner for a personal protection order issued under section  
12 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,  
13 MCL 600.2950 and 600.2950a, or if the county sheriff determines  
14 that there is clear and convincing evidence to believe that the  
15 safety of the applicant or the safety of a member of the  
16 applicant's family or household is endangered by the applicant's  
17 inability to immediately obtain a license to carry a concealed  
18 pistol. ~~Beginning December 1, 2015, if~~ **IF** the applicant holds a  
19 valid concealed pistol license issued by another state at the time  
20 the applicant's residency in this state is established, the county  
21 clerk shall waive the 6-month ~~waiting period~~ **RESIDENCY REQUIREMENT**  
22 and the applicant may apply for a concealed pistol license at the  
23 time the applicant's residency in this state is established. For  
24 the purposes of this section, a ~~person~~ **AN INDIVIDUAL** is considered  
25 a legal resident of this state if any of the following apply:  
26 (i) The ~~person~~ **INDIVIDUAL** has a valid, lawfully obtained  
27 driver license issued under the Michigan vehicle code, 1949 PA 300,

1 MCL 257.1 to 257.923, or official state personal identification  
2 card issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

9 (iv) The ~~person~~**INDIVIDUAL** is on active duty status with the  
10 United States ~~armed forces~~**ARMED FORCES** and is permanently  
11 stationed in this state, but the ~~person's~~**INDIVIDUAL'S** home of  
12 record is in another state.

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

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

19 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
20 330.1464a.

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

23 (iii) Sections 2950 and 2950a of the revised judicature act of  
24 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

1 procedure, 1927 PA 175, MCL 765.6b.

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

4 (vi) **THE EXTREME RISK PROTECTION ORDER ACT.**

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

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

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

15 (h) The applicant has not been convicted of a misdemeanor  
16 violation of any of the following in the 8 years immediately  
17 preceding the date of application and a charge for a misdemeanor  
18 violation of any of the following is not pending against the  
19 applicant in this state or elsewhere at the time he or she applies  
20 for a license described in this section:

21 (i) Section 617a (failing to stop when involved in a personal  
22 injury accident), section 625 as punishable under subsection (9) (b)  
23 of that section (operating while intoxicated, second offense),  
24 section 625m as punishable under subsection (4) of that section  
25 (operating a commercial vehicle with alcohol content, second  
26 offense), section 626 (reckless driving), or a violation of section  
27 904(1) (operating while license suspended or revoked, second or

1 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
2 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

13 (v) Section 80176 as punishable under section 80177(1)(b)  
14 (operating vessel under the influence of intoxicating liquor or a  
15 controlled substance, second offense), section 81134 as punishable  
16 under subsection (8)(b) of that section (operating ORV under the  
17 influence of intoxicating liquor or a controlled substance, second  
18 or subsequent offense), or section 82127 as punishable under  
19 section 82128(1)(b) (operating snowmobile under the influence of  
20 intoxicating liquor or a controlled substance, second offense) of  
21 the natural resources and environmental protection act, 1994 PA  
22 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

23 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
24 333.7403 (possession of controlled substance, controlled substance  
25 analogue, or prescription form).

26 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,  
27 MCL 462.353, punishable under subsection (4) of that section



1 (operating locomotive under the influence of intoxicating liquor or  
2 a controlled substance, or while visibly impaired, second offense).

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

5 (ix) Section 81 (assault or domestic assault), section 81a(1)  
6 or (2) (aggravated assault or aggravated domestic assault), section  
7 115 (breaking and entering or entering without breaking), section  
8 136b(7) (fourth degree child abuse), section 145n (vulnerable adult  
9 abuse), section 157b(3)(b) (solicitation to commit a felony),  
10 section 215 (impersonating peace officer or medical examiner),  
11 section 223 (illegal sale of a firearm or ammunition), section 224d  
12 (illegal use or sale of a self-defense spray), section 226a (sale  
13 or possession of a switchblade), section 227c (improper  
14 transportation of a loaded firearm), section 229 (accepting a  
15 pistol in pawn), section 232 (failure to register the purchase of a  
16 firearm or a firearm component), section 232a (improperly obtaining  
17 a pistol, making a false statement on an application to purchase a  
18 pistol, or using false identification to purchase a pistol),  
19 section 233 (intentionally aiming a firearm without malice),  
20 section 234 (intentionally discharging a firearm aimed without  
21 malice), section 234d (possessing a firearm on prohibited  
22 premises), section 234e (brandishing a firearm in public), section  
23 234f (possession of a firearm by an individual less than 18 years  
24 of age), section 235 (intentionally discharging a firearm aimed  
25 without malice causing injury), section 235a (parent of a minor who  
26 possessed a firearm in a weapon free school zone), section 236  
27 (setting a spring gun or other device), section 237 (possessing a

1 firearm while under the influence of intoxicating liquor or a  
2 controlled substance), section 237a (weapon free school zone  
3 violation), section 335a (indecent exposure), section 411h  
4 (stalking), or section 520e (fourth degree criminal sexual conduct)  
5 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,  
6 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,  
7 750.226a, 750.227c, 750.229, 750.232, 750.232a, 750.233, 750.234,  
8 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,  
9 750.237a, 750.335a, 750.411h, and 750.520e.

10 (x) Former section 228 of the Michigan penal code, 1931 PA  
11 328.

12 (xi) Section 1 (reckless, careless, or negligent use of a  
13 firearm resulting in injury or death), section 2 (careless,  
14 reckless, or negligent use of a firearm resulting in property  
15 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
16 45, MCL 752.861, 752.862, and 752.863a.

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

21 (i) The applicant has not been convicted of a misdemeanor  
22 violation of any of the following in the 3 years immediately  
23 preceding the date of application unless the misdemeanor violation  
24 is listed under subdivision (h) and a charge for a misdemeanor  
25 violation of any of the following is not pending against the  
26 applicant in this state or elsewhere at the time he or she applies  
27 for a license described in this section:

1           (i) Section 625 (operating under the influence), section 625a  
2       (refusal of commercial vehicle operator to submit to a chemical  
3       test), section 625k (ignition interlock device reporting  
4       violation), section 625l (circumventing an ignition interlock  
5       device), or section 625m punishable under subsection (3) of that  
6       section (operating a commercial vehicle with alcohol content) of  
7       the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
8       257.625k, 257.625l, and 257.625m.

9           (ii) Section 185 of the aeronautics code of the state of  
10       Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the  
11       influence).

12          (iii) Section 81134 (operating ORV under the influence or  
13       operating ORV while visibly impaired), or section 82127 (operating  
14       a snowmobile under the influence) of the natural resources and  
15       environmental protection act, 1994 PA 451, MCL 324.81134 and  
16       324.82127.

17          (iv) Part 74 of the public health code, 1978 PA 368, MCL  
18       333.7401 to 333.7461 (controlled substance violation).

19          (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
20       462.353, punishable under subsection (3) of that section (operating  
21       locomotive under the influence).

22          (vi) Section 167 (disorderly person), section 174  
23       (embezzlement), section 218 (false pretenses with intent to  
24       defraud), section 356 (larceny), section 356d (second degree retail  
25       fraud), section 359 (larceny from a vacant building or structure),  
26       section 362 (larceny by conversion), section 362a (larceny -  
27       defrauding lessor), section 377a (malicious destruction of

1 property), section 380 (malicious destruction of real property),  
2 section 535 (receiving or concealing stolen property), or section  
3 540e (malicious use of telecommunications service or device) of the  
4 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
5 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
6 750.535, and 750.540e.

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

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

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

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

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

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

27 (8) Upon entry of a court order or conviction of 1 of the

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

12 (9) An individual, after submitting an application and paying  
13 the fee prescribed under subsection (5), shall request that  
14 classifiable fingerprints be taken by the county clerk, department  
15 of state police, county sheriff, a local police agency, or other  
16 entity, if the county clerk, department of state police, county  
17 sheriff, local police agency, or other entity provides  
18 fingerprinting capability for the purposes of this act. ~~Beginning~~  
19 ~~December 1, 2015, an~~**AN** individual who has had classifiable  
20 fingerprints taken under section 5a(4) does not need additional  
21 fingerprints taken under this subsection. If the individual  
22 requests that classifiable fingerprints be taken by the county  
23 clerk, department of state police, county sheriff, a local police  
24 agency, or other entity, the individual shall also pay a fee of  
25 \$15.00 by any method of payment accepted for payments of other fees  
26 and penalties. A county clerk shall deposit any fee it accepts  
27 under this subsection in the concealed pistol licensing fund of

1 that county created in section 5x. The county clerk, department of  
2 state police, county sheriff, local police agency, or other entity  
3 shall take the fingerprints within 5 business days after the  
4 request. County clerks, the department of state police, county  
5 sheriffs, local police agencies, and other entities shall provide  
6 reasonable access to fingerprinting services during normal business  
7 hours as is necessary to comply with the requirements of this act  
8 if the county clerk, department of state police, county sheriff,  
9 local police agency, or other entity provides fingerprinting  
10 capability for the purposes of this act. ~~Beginning December 1,~~  
11 ~~2015, the~~ **THE** entity providing fingerprinting services shall issue  
12 the applicant a receipt at the time his or her fingerprints are  
13 taken. ~~Beginning December 1, 2015, the~~ **THE** county clerk, department  
14 of state police, county sheriff, local police agency, or other  
15 entity shall not provide a receipt under this subsection unless the  
16 individual requesting the fingerprints provides an application  
17 receipt received under subsection (1). ~~Beginning December 1, 2015,~~  
18 ~~a~~ **A** receipt under this subsection ~~shall~~ **MUST** contain all of the  
19 following:

- 20 (a) The name of the applicant.
- 21 (b) The date and time the receipt is issued.
- 22 (c) The amount paid.
- 23 (d) The name of the entity providing the fingerprint services.
- 24 (e) The applicant's state-issued driver license or personal  
25 identification card number.
- 26 (f) The statement "This receipt was issued for the purpose of  
27 applying for a concealed pistol license. As provided in section 5b

1 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory  
2 disqualification is not issued within 45 days after the date this  
3 receipt was issued, this receipt shall serve as a concealed pistol  
4 license for the individual named in the receipt when carried with  
5 an official state-issued driver license or personal identification  
6 card. The receipt is valid as a license until a license or notice  
7 of statutory disqualification is issued by the county clerk. This  
8 receipt does not exempt the individual named in the receipt from  
9 complying with all applicable laws for the purchase of firearms.".

10 (10) The fingerprints ~~shall~~ **MUST** be taken, under subsection  
11 (9), in a manner prescribed by the department of state police. The  
12 ~~fingerprints taken by a county clerk, county sheriff, local police~~  
13 ~~agency, or other entity shall be immediately forwarded~~ **FORWARD THE**  
14 **FINGERPRINTS TAKEN BY THAT ENTITY** to the department of state police  
15 for comparison with fingerprints already on file with the  
16 department of state police. The department of state police shall  
17 immediately forward the fingerprints to the Federal Bureau of  
18 Investigation. ~~Until November 30, 2015, within 10 days after~~  
19 ~~receiving a report of the fingerprints from the Federal Bureau of~~  
20 ~~Investigation, the department of state police shall provide a copy~~  
21 ~~to the submitting sheriff's department or local police agency as~~  
22 ~~appropriate and the clerk of the appropriate concealed weapon~~  
23 ~~licensing board. Beginning December 1, 2015, within~~ **WITHIN 5**  
24 business days of completing the verification under subsection (6),  
25 the department shall send the county clerk a list of an applicant's  
26 statutory disqualifications under this act. ~~Until November 30,~~  
27 ~~2015, and except as provided in subsection (14), the concealed~~

1 ~~weapon licensing board shall not issue a concealed pistol license~~  
2 ~~until it receives the fingerprint comparison report prescribed in~~  
3 ~~this subsection. Beginning December 1, 2015, and except **EXCEPT** as~~  
4 ~~provided in section 5a(4), the county clerk shall not issue a~~  
5 ~~concealed pistol license until he or she receives the report of~~  
6 ~~statutory disqualifications prescribed in this subsection.~~  
7 ~~Beginning December 1, 2015, if **IF** an individual's fingerprints are~~  
8 ~~not classifiable, the department of state police shall, at no~~  
9 ~~charge, take the individual's fingerprints again or provide for the~~  
10 ~~comparisons under this subsection to be conducted through~~  
11 ~~alternative means. Until November 30, 2015, the concealed weapon~~  
12 ~~licensing board may deny a license if an individual's fingerprints~~  
13 ~~are not classifiable by the Federal Bureau of Investigation.~~  
14 ~~Beginning December 1, 2015, the **THE** county clerk shall not issue a~~  
15 ~~notice of statutory disqualification because an individual's~~  
16 ~~fingerprints are not classifiable by the Federal Bureau of~~  
17 ~~Investigation.~~

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

26 (12) A license to carry a concealed pistol that is issued  
27 based upon an application that contains a material false statement



1 is void from the date the license is issued.

2 ~~(13) Until November 30, 2015, and subject to subsections (10)~~  
 3 ~~and (14), the concealed weapon licensing board shall issue or deny~~  
 4 ~~issuance of a license within 45 days after the concealed weapon~~  
 5 ~~licensing board receives the fingerprint comparison report provided~~  
 6 ~~under subsection (10). Beginning December 1, 2015, and subject~~  
 7 **SUBJECT** to subsection (10), the department of state police shall  
 8 complete the verification required under subsection (6) and the  
 9 county clerk shall issue a license or a notice of statutory  
 10 disqualification within 45 days after the date the applicant has  
 11 classifiable fingerprints taken under subsection (9). ~~Beginning~~  
 12 ~~December 1, 2015, the~~ **THE** county clerk shall include an indication  
 13 on the license if an individual is exempt from the prohibitions  
 14 against carrying a concealed pistol on premises described in  
 15 section 50 if the applicant provides acceptable proof that he or  
 16 she qualifies for that exemption. ~~Until November 30, 2015, if the~~  
 17 ~~concealed weapon licensing board denies issuance of a license to~~  
 18 ~~carry a concealed pistol, or beginning December 1, 2015, if~~ **IF** the  
 19 county clerk issues a notice of statutory disqualification, the  
 20 ~~concealed weapon licensing board or the county clerk, as~~  
 21 ~~appropriate,~~ shall within 5 business days do all of the following:

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

25 (i) ~~Until November 30, 2015, a statement of the specific and~~  
 26 ~~articulable facts supporting the denial. Beginning December 1,~~  
 27 ~~2015, a~~ **A** statement of each statutory disqualification identified.

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

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

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

11       (c) ~~Beginning December 1, 2015, inform~~ **INFORM** ~~the applicant~~  
12 ~~that he or she should contact the source of the record for any~~  
13 ~~statutory disqualification to correct any errors in the record~~  
14 ~~resulting in the statutory disqualification.~~

15       (14) ~~Until November 30, 2015, if the fingerprint comparison~~  
16 ~~report is not received by the concealed weapon licensing board~~  
17 ~~within 60 days after the fingerprint report is forwarded to the~~  
18 ~~department of state police by the Federal Bureau of Investigation,~~  
19 ~~the concealed weapon licensing board shall issue a temporary~~  
20 ~~license to carry a concealed pistol to the applicant if the~~  
21 ~~applicant is otherwise qualified for a license. Until November 30,~~  
22 ~~2015, a temporary license issued under this section is valid for~~  
23 ~~180 days or until the concealed weapon licensing board receives the~~  
24 ~~fingerprint comparison report provided under subsection (10) and~~  
25 ~~issues or denies issuance of a license to carry a concealed pistol~~  
26 ~~as otherwise provided under this act. Until November 30, 2015, upon~~  
27 ~~issuance or the denial of issuance of the license to carry a~~

1 ~~concealed pistol to an applicant who received a temporary license~~  
2 ~~under this section, the applicant shall immediately surrender the~~  
3 ~~temporary license to the concealed weapon licensing board that~~  
4 ~~issued that temporary license. Beginning December 1, 2015, if~~ **IF** a  
5 license or notice of statutory disqualification is not issued under  
6 subsection (13) within 45 days after the date the applicant has  
7 classifiable fingerprints taken under subsection (9), the receipt  
8 issued under subsection (9) ~~shall serve~~ **SERVES** as a concealed  
9 pistol license for purposes of this act when carried with a state-  
10 issued driver license or personal identification card and is valid  
11 until a license or notice of statutory disqualification is issued  
12 by the county clerk.

13 (15) If an individual licensed under this act to carry a  
14 concealed pistol moves to a different county within this state, his  
15 or her license remains valid until it expires or is otherwise  
16 suspended or revoked under this act. ~~Beginning December 1, 2015, an~~  
17 **AN** individual may notify a county clerk that he or she has moved to  
18 a different address within this state for the purpose of receiving  
19 the notice under section 5/(1). A license to carry a concealed  
20 pistol that is lost, stolen, or defaced may be replaced by the  
21 issuing county clerk for a replacement fee of \$10.00. A county  
22 clerk shall deposit a replacement fee under this subsection in the  
23 concealed pistol licensing fund of that county created in section  
24 5x.

25 (16) If a license issued under this act is suspended or  
26 revoked, the license is forfeited and the individual shall return  
27 the license to the county clerk forthwith by mail or in person.

1 ~~Beginning December 1, 2015, the~~ **THE** county clerk shall retain a  
2 suspended or revoked license as an official record 1 year after the  
3 expiration of the license, unless the license is reinstated or a  
4 new license is issued. ~~Beginning December 1, 2015, the~~ **THE** county  
5 clerk shall notify the department of state police if a license is  
6 suspended or revoked. ~~Beginning December 1, 2015, the~~ **THE**  
7 department of state police shall enter that suspension or  
8 revocation into the law enforcement information network. An  
9 individual who fails to return a license as required under this  
10 subsection after he or she was notified that his or her license was  
11 suspended or revoked is guilty of a misdemeanor punishable by  
12 imprisonment for not more than 93 days or a fine of not more than  
13 \$500.00, or both.

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

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

24 (19) ~~Beginning December 1, 2015, a~~ **A** county clerk issuing an  
25 initial license or renewal license under this act shall mail the  
26 license to the licensee by first-class mail in a sealed envelope.  
27 ~~Beginning December 1, 2015, upon~~ **UPON** payment of the fee under

1 subsection (15), a county clerk shall issue a replacement license  
2 in person at the time of application for a replacement license  
3 unless the applicant requests that it be delivered by first-class  
4 mail.

5 (20) A county clerk, county sheriff, county prosecuting  
6 attorney, police department, or the department of state police is  
7 not liable for civil damages as a result of the issuance of a  
8 license under this act to an individual who later commits a crime  
9 or a negligent act.

10 (21) ~~Beginning December 1, 2015, an~~ **AN** individual licensed  
11 under this act to carry a concealed pistol may voluntarily  
12 surrender that license without explanation. ~~Beginning December 1,~~  
13 ~~2015, a~~ **A** county clerk shall retain a surrendered license as an  
14 official record for 1 year after the license is surrendered.  
15 ~~Beginning December 1, 2015, if~~ **IF** an individual voluntarily  
16 surrenders a license under this subsection, the county clerk shall  
17 notify the department of state police. ~~Beginning December 1, 2015,~~  
18 ~~the~~ **THE** department of state police shall enter into the law  
19 enforcement information network that the license was voluntarily  
20 surrendered and the date the license was voluntarily surrendered.

21 (22) As used in this section:

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

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

27 (ii) For an individual who is employed or contracted by an

1 entity described under section 5o(1) to provide security services,  
2 a letter from that entity stating that the employee is required by  
3 his or her employer or the terms of a contract to carry a concealed  
4 firearm on the premises of the employing or contracting entity and  
5 his or her employee identification.

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

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

14 (v) For an individual who is a retired corrections officer of  
15 a county sheriff's department, a letter from the county sheriff's  
16 office stating that the retired corrections officer retired in good  
17 standing and that the individual has received county sheriff  
18 approved weapons training.

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

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

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

27 (ix) For an individual who is a parole, probation, or

1 corrections officer, or absconder recovery unit member, of the  
2 department of corrections, his or her employee identification and  
3 proof that the individual obtained a Michigan department of  
4 corrections weapons permit.

5 (x) For an individual who is a retired parole, probation, or  
6 corrections officer, or retired absconder recovery unit member, of  
7 the department of corrections, a letter from the department of  
8 corrections stating that the retired parole, probation, or  
9 corrections officer, or retired absconder recovery unit member,  
10 retired in good standing and proof that the individual obtained a  
11 Michigan department of corrections weapons permit.

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

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

17 (xiii) For a retired federal law enforcement officer, the  
18 identification required under the **FEDERAL** law enforcement officers  
19 safety act, **18 USC 926B TO 926C**, or a letter from a law enforcement  
20 agency stating that the retired federal law enforcement officer  
21 retired in good standing.

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

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

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

12 (e) "Misdemeanor" means a violation of a penal law of this  
13 state or violation of a local ordinance substantially corresponding  
14 to a violation of a penal law of this state that is not a felony or  
15 a violation of an order, rule, or regulation of a state agency that  
16 is punishable by imprisonment or a fine that is not a civil fine,  
17 or both.

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

21 Enacting section 1. This amendatory act does not take effect  
22 unless Senate Bill No. 937

23 of the 99th Legislature is enacted into law.