

# HOUSE BILL NO. 5903

March 15, 2022, Introduced by Reps. Eisen, Maddock, Berman, LaFave, Bezotte, Martin, Markkanen, Allor, Outman, Meerman and Rendon and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

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

and parts of acts inconsistent with this act,"  
by amending sections 5a, 5b, 5c, and 5f (MCL 28.425a, 28.425b,  
28.425c, and 28.425f), sections 5a and 5b as amended by 2017 PA 95  
and sections 5c and 5f as amended by 2015 PA 3; and to repeal acts  
and parts of acts.

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

1       Sec. 5a. (1) A license to carry a concealed pistol issued by a  
2       concealed weapon licensing board before December 1, 2015 is valid  
3       and remains in effect until the expiration of that license or as  
4       otherwise provided by law.

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

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

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

9       (c) Issuing notices of statutory disqualification, notices of  
10      suspensions, and notices of revocations.

11      (3) The department of state police shall verify under section  
12      5b(6) whether an applicant for a license to carry a concealed  
13      pistol is eligible to receive a license to carry a concealed  
14      pistol.

15      (4) A county clerk shall issue an emergency license to carry a  
16      concealed pistol to an individual if the individual has obtained a  
17      personal protection order issued under section 2950 or 2950a of the  
18      revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
19      600.2950a, or to that individual if a county sheriff determines  
20      that there is clear and convincing evidence to believe the safety  
21      of the individual or the safety of a member of the individual's  
22      family or household is endangered by the individual's inability to  
23      immediately obtain a license to carry a concealed pistol. Clear and

1 convincing evidence includes, but is not limited to, an application  
2 for a personal protection order, police reports and other law  
3 enforcement records, or written, audio, or visual evidence of  
4 threats to the individual or member of the individual's family or  
5 household. A county clerk shall only issue an emergency license to  
6 carry a concealed pistol to an individual who has obtained a  
7 personal protection order if the individual is eligible under  
8 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive  
9 a license based on a criminal record check through the law  
10 enforcement information network conducted by the department of  
11 state police. The county sheriff shall only issue a determination  
12 under this subsection to an individual who is eligible under  
13 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive  
14 a license based on a criminal record check through the law  
15 enforcement information network and only after the county sheriff  
16 has taken the individual's fingerprints in compliance with section  
17 5b(9). A county sheriff shall notify the county clerk if the county  
18 sheriff determines that an individual is not eligible under section  
19 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a  
20 license. An emergency license must be on a form provided by the  
21 department of state police. An individual who applies for an  
22 emergency license shall, within 10 business days after applying for  
23 an emergency license, complete a pistol training course under  
24 section 5j and apply for a license under section 5b. If an  
25 individual who applies for an emergency license does not complete a  
26 pistol training course under section 5j and apply for a license  
27 under section 5b within 10 business days after applying for an  
28 emergency license, that individual's emergency license is no longer  
29 valid. A county sheriff who makes a determination under this

1 section, performs a criminal record check, and takes the  
2 applicant's fingerprints may charge a fee not to exceed \$15.00. A  
3 county clerk may charge a fee not to exceed \$10.00 for printing an  
4 emergency license. A county clerk shall deposit a fee collected by  
5 the county clerk under this subsection in the concealed pistol  
6 licensing fund of that county created in section 5x. Except as  
7 otherwise provided in this subsection, an emergency license is  
8 valid for 45 days or until the county clerk issues a notice of  
9 statutory disqualification, whichever occurs first. Except as  
10 otherwise provided in this act, an emergency license is, for all  
11 other purposes of this act, a license to carry a concealed pistol.  
12 ~~The county clerk shall include an indication on the license if an~~  
13 ~~individual is exempt from the prohibitions against carrying a~~  
14 ~~concealed pistol on premises described in section 5o if the~~  
15 ~~applicant provides acceptable proof that he or she qualifies for~~  
16 ~~that exemption.~~ An individual shall not obtain more than 1  
17 emergency license in any 5-year period. If a county clerk issues a  
18 notice of statutory disqualification to an applicant who received  
19 an emergency license under this section, the applicant shall  
20 immediately surrender the emergency license to the county clerk by  
21 mail or in person if that emergency license has not expired. An  
22 individual who fails to surrender a license as required by this  
23 subsection after ~~he or she~~ **the individual** is notified of a  
24 statutory disqualification is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 93 days or a fine of not more than  
26 \$500.00, or both.

27 (5) The legislative service bureau shall compile the firearms  
28 laws of this state, including laws that apply to carrying a  
29 concealed pistol, and shall provide copies of the compilation in an

1 electronic format to the department of state police. The department  
2 of state police shall provide a copy of the compiled laws to each  
3 county clerk in this state. The department of state police shall  
4 also provide forms to appeal any notice of statutory  
5 disqualification, or suspension or revocation of a license under  
6 this act. The department of state police shall distribute copies of  
7 the compilation and forms required under this subsection in an  
8 electronic format to each county clerk. The county clerk shall  
9 distribute a copy of the compilation and forms at no charge to each  
10 individual who applies for a license to carry a concealed pistol at  
11 the time the application is submitted. The county clerk may  
12 distribute copies of the compilation and forms required under this  
13 subsection in an electronic format. The county clerk shall require  
14 the applicant to sign a written statement acknowledging that ~~he or~~  
15 ~~she~~ **the applicant** has received a copy of the compilation and forms  
16 provided under this subsection. An individual is not eligible to  
17 receive a license to carry a concealed pistol until ~~he or she~~ **the**  
18 **individual** has signed the statement.

19       Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
20 an individual shall apply to the county clerk in the county in  
21 which the individual resides. The applicant shall file the  
22 application with the county clerk in the county in which the  
23 applicant resides during the county clerk's normal business hours.  
24 The application must be on a form provided by the director of the  
25 department of state police and allow the applicant to designate  
26 whether the applicant seeks an emergency license. The applicant  
27 shall sign the application under oath. The county clerk or ~~his or~~  
28 ~~her~~ **the clerk's** representative shall administer the oath. An  
29 application under this subsection is not considered complete until

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

19 (a) The applicant's legal name, date of birth, the address of  
20 ~~his or her~~ **the applicant's** primary residence, and ~~his or her~~ **the**  
21 **applicant's** state-issued driver license or personal identification  
22 card number.

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

25 (c) A statement by the applicant authorizing the department of  
26 state police to access any record needed to perform the  
27 verification in subsection (6).

28 (d) A statement by the applicant regarding whether ~~he or she~~  
29 **the applicant** has a history of mental illness that would disqualify

1 ~~him or her~~ **the applicant** under subsection (7)(j) to (l) from  
2 receiving a license to carry a concealed pistol.

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

6 (i) Any felony.

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

13 (f) A statement by the applicant whether ~~he or she~~ **the**  
14 **applicant** has been dishonorably discharged from the United States  
15 Armed Forces.

16 (g) If an applicant does not have a digitized photograph on  
17 file with the secretary of state, a passport-quality photograph of  
18 the applicant provided by the applicant at the time of application.

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

21 (2) The county clerk shall not require the applicant to submit  
22 any additional forms, documents, letters, or other evidence of  
23 eligibility for obtaining a license to carry a concealed pistol  
24 except as set forth in subsection (1) or as otherwise provided for  
25 in this act. The application form must contain a conspicuous  
26 warning that the application is executed under oath and that  
27 intentionally making a material false statement on the application  
28 is a felony punishable by imprisonment for not more than 4 years or  
29 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 a name index of the record  
9 ~~shall~~**must** be maintained in the database created in section 5e.

10           (5) Each applicant shall pay a nonrefundable application and  
11 licensing fee of \$100.00 by any method of payment accepted by that  
12 county for payments of other fees and penalties. Except as provided  
13 in subsection (9), no other charge, fee, cost, or assessment,  
14 including any local charge, fee, cost, or assessment, is required  
15 of the applicant except as specifically authorized in this act. The  
16 applicant shall pay the application and licensing fee to the  
17 county. The county treasurer shall deposit \$26.00 of each  
18 application and licensing fee collected under this section in the  
19 concealed pistol licensing fund of that county created in section  
20 5x. The county treasurer shall forward the balance remaining to the  
21 state treasurer. The state treasurer shall deposit the balance of  
22 the fee in the general fund to the credit of the department of  
23 state police. The department of state police shall use the money  
24 received under this act to process the fingerprints and to  
25 reimburse the Federal Bureau of Investigation for the costs  
26 associated with processing fingerprints submitted under this act.  
27 The balance of the money received under this act must be credited  
28 to the department of state police.

29           (6) The department of state police shall verify the



1 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),  
2 and (m) through the law enforcement information network and the  
3 national instant criminal background check system and ~~shall~~ report  
4 to the county clerk all statutory disqualifications, if any, under  
5 this act that apply to an applicant.

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

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

11 (b) The applicant is a citizen of the United States or is an  
12 alien lawfully admitted into the United States, is a legal resident  
13 of this state, and has resided in this state for not less than the  
14 6 months immediately preceding the date of application. The county  
15 clerk shall waive the 6-month residency requirement for an  
16 emergency license under section 5a(4) if the applicant is a  
17 petitioner for a personal protection order issued under section  
18 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,  
19 MCL 600.2950 and 600.2950a, or if the county sheriff determines  
20 that there is clear and convincing evidence to believe that the  
21 safety of the applicant or the safety of a member of the  
22 applicant's family or household is endangered by the applicant's  
23 inability to immediately obtain a license to carry a concealed  
24 pistol. If the applicant holds a valid concealed pistol license  
25 issued by another state at the time the applicant's residency in  
26 this state is established, the county clerk shall waive the 6-month  
27 residency requirement and the applicant may apply for a concealed  
28 pistol license at the time the applicant's residency in this state  
29 is established. For the purposes of this section, an individual is

1 considered a legal resident of this state if any of the following  
2 apply:

3 (i) The individual has a valid, lawfully obtained driver  
4 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
5 257.1 to 257.923, or official state personal identification card  
6 issued under 1972 PA 222, MCL 28.291 to 28.300.

7 (ii) The individual is lawfully registered to vote in this  
8 state.

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

12 (iv) The individual is on active duty status with the United  
13 States Armed Forces and is permanently stationed in this state, but  
14 the individual's home of record is in another state.

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

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

22 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
23 330.1464a.

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

26 (iii) Sections 2950 and 2950a of the revised judicature act of  
27 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

28 (iv) Section 6b of chapter V of the code of criminal procedure,  
29 1927 PA 175, MCL 765.6b, if the order has a condition imposed under

1 section 6b(3) of chapter V of the code of criminal procedure, 1927  
2 PA 175, MCL 765.6b.

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

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

10 (f) Based solely on the report received from the department of  
11 state police under subsection (6), the applicant has never been  
12 convicted of a felony in this state or elsewhere, and a felony  
13 charge against the applicant is not pending in this state or  
14 elsewhere at the time ~~he or she~~ **the applicant** applies for a license  
15 described in this section.

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

18 (h) Based solely on the report received from the department of  
19 state police under subsection (6), the applicant has not been  
20 convicted of a misdemeanor violation of any of the following in the  
21 8 years immediately preceding the date of application and a charge  
22 for a misdemeanor violation of any of the following is not pending  
23 against the applicant in this state or elsewhere at the time ~~he or~~  
24 ~~she~~ **the applicant** applies for a license described in this section:

25 (i) Section 617a (failing to stop when involved in a personal  
26 injury accident), section 625 as punishable under subsection (9)(b)  
27 of that section (operating while intoxicated, second offense),  
28 section 625m as punishable under subsection (4) of that section  
29 (operating a commercial vehicle with alcohol content, second

1 offense), section 626 (reckless driving), or a violation of section  
2 904(1) (operating while license suspended or revoked, second or  
3 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
4 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

15 (v) Section 80176 as punishable under section 80177(1)(b)  
16 (operating vessel under the influence of intoxicating liquor or a  
17 controlled substance, second offense), section 81134 as punishable  
18 under subsection (8)(b) of that section (operating ORV under the  
19 influence of intoxicating liquor or a controlled substance, second  
20 or subsequent offense), or section 82127 as punishable under  
21 section 82128(1)(b) (operating snowmobile under the influence of  
22 intoxicating liquor or a controlled substance, second offense) of  
23 the natural resources and environmental protection act, 1994 PA  
24 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

25 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
26 333.7403 (possession of controlled substance, controlled substance  
27 analogue, or prescription form).

28 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,  
29 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 sexually  
4 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 232a (improperly obtaining a pistol,  
16 making a false statement on an application to purchase a pistol, or  
17 using false identification to purchase a pistol), section 233  
18 (intentionally aiming a firearm without malice), section 234  
19 (intentionally discharging a firearm aimed without malice), section  
20 234d (possessing a firearm on prohibited premises), section 234e  
21 (brandishing a firearm in public), section 234f (possession of a  
22 firearm by an individual less than 18 years of age), section 235  
23 (intentionally discharging a firearm aimed without malice causing  
24 injury), section 235a (parent of a minor who possessed a firearm in  
25 a weapon free school zone), section 236 (setting a spring gun or  
26 other device), section 237 (possessing a firearm while under the  
27 influence of intoxicating liquor or a controlled substance),  
28 section 237a (weapon free school zone violation), section 335a  
29 (indecent exposure), section 411h (stalking), or section 520e

(fourth degree criminal sexual conduct) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229, 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and 750.520e.

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

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

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

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

(i) Section 625 (operating under the influence), section 625a (refusal of commercial vehicle operator to submit to a chemical test), section 625k (ignition interlock device reporting violation), section 625l (circumventing an ignition interlock

1 device), or section 625m punishable under subsection (3) of that  
2 section (operating a commercial vehicle with alcohol content) of  
3 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
4 257.625k, 257.625l, and 257.625m.

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

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

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

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

18 (vi) Section 167 (disorderly person), section 174  
19 (embezzlement), section 218 (false pretenses with intent to  
20 defraud), section 356 (larceny), section 356d (second degree retail  
21 fraud), section 359 (larceny from a vacant building or structure),  
22 section 362 (larceny by conversion), section 362a (larceny -  
23 defrauding lessor), section 377a (malicious destruction of  
24 property), section 380 (malicious destruction of real property),  
25 section 535 (receiving or concealing stolen property), or section  
26 540e (malicious use of telecommunications service or device) of the  
27 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
28 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
29 750.535, and 750.540e.

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

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

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

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

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

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

25 (8) Upon entry of a court order or conviction of 1 of the  
26 enumerated prohibitions for using, transporting, selling,  
27 purchasing, carrying, shipping, receiving, or distributing a  
28 firearm in this section the department of state police shall  
29 immediately enter the order or conviction into the law enforcement



1 information network. For purposes of this act, information of the  
2 court order or conviction must not be removed from the law  
3 enforcement information network, but may be moved to a separate  
4 file intended for the use of the department of state police, the  
5 courts, and other government entities as necessary and exclusively  
6 to determine eligibility to be licensed under this act.

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

1 clerk, department of state police, county sheriff, local police  
2 agency, or other entity provides fingerprinting capability for the  
3 purposes of this act. The entity providing fingerprinting services  
4 shall issue the individual a receipt at the time ~~his or her~~ **the**  
5 **individual's** fingerprints are taken. The county clerk, department  
6 of state police, county sheriff, local police agency, or other  
7 entity shall not provide a receipt under this subsection unless the  
8 individual requesting the fingerprints provides an application  
9 receipt received under subsection (1). A receipt under this  
10 subsection must contain all of the following:

11 (a) The name of the individual.

12 (b) The date and time the receipt is issued.

13 (c) The amount paid.

14 (d) The name of the entity providing the fingerprint services.

15 (e) The individual's state-issued driver license or personal  
16 identification card number.

17 (f) The statement "This receipt was issued for the purpose of  
18 applying for a concealed pistol license. As provided in section 5b  
19 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory  
20 disqualification is not issued within 45 days after the date this  
21 receipt was issued, this receipt shall serve as a concealed pistol  
22 license for the individual named in the receipt when carried with  
23 an official state-issued driver license or personal identification  
24 card. The receipt is valid as a license until a license or notice  
25 of statutory disqualification is issued by the county clerk. This  
26 receipt does not exempt the individual named in the receipt from  
27 complying with all applicable laws for the purchase of firearms."

28 (10) The fingerprints must be taken, under subsection (9), in  
29 a manner prescribed by the department of state police. The county

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

20 (11) The county clerk shall send by first-class mail a notice  
21 of statutory disqualification for a license under this act to an  
22 individual if the individual is not qualified under subsection (7)  
23 to receive that license.

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

27 (13) Subject to subsection (10), the department of state  
28 police shall complete the verification required under subsection  
29 (6) and the county clerk shall issue a license or a notice of

1 statutory disqualification within 45 days after the date the  
 2 individual has classifiable fingerprints taken under subsection  
 3 (9). ~~The county clerk shall include an indication on the license if~~  
 4 ~~an individual is exempt from the prohibitions against carrying a~~  
 5 ~~concealed pistol on premises described in section 50 if the~~  
 6 ~~applicant provides acceptable proof that he or she qualifies for~~  
 7 ~~that exemption. If the county clerk receives notice from a county~~  
 8 ~~sheriff or chief law enforcement officer that a licensee is no~~  
 9 ~~longer a member of a sheriff's posse, an auxiliary officer, or a~~  
 10 ~~reserve officer, the county clerk shall notify the licensee that he~~  
 11 ~~or she shall surrender the concealed pistol license indicating that~~  
 12 ~~the individual is exempt from the prohibitions against carrying a~~  
 13 ~~concealed pistol on premises described in section 50. The licensee~~  
 14 ~~shall, within 30 days after receiving notice from the county clerk,~~  
 15 ~~surrender the license indicating that the individual is exempt from~~  
 16 ~~the prohibitions against carrying a concealed pistol on premises~~  
 17 ~~described in section 50 and obtain a replacement license after~~  
 18 ~~paying the fee required under subsection (15).~~ If the county clerk  
 19 issues a notice of statutory disqualification, the county clerk  
 20 shall within 5 business days do all of the following:

21 (a) Inform the individual in writing of the reasons for the  
 22 denial or disqualification. Information under this subdivision  
 23 ~~shall~~ **must** include all of the following:

24 (i) A statement of each statutory disqualification identified.  
 25 (ii) The source of the record for each statutory  
 26 disqualification identified.

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

29 (b) Inform the individual in writing of ~~his or her~~ **the**

1 **individual's** right to appeal the denial or notice of statutory  
2 disqualification to the circuit court as provided in section 5d.

3 (c) Inform the individual that ~~he or she~~ **the individual** should  
4 contact the source of the record for any statutory disqualification  
5 to correct any errors in the record resulting in the statutory  
6 disqualification.

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

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

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

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

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

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

23 (19) A county clerk issuing an initial license or renewal  
24 license under this act shall mail the license to the licensee by  
25 first-class mail in a sealed envelope. Upon payment of the fee  
26 under subsection (15), a county clerk shall issue a replacement  
27 license in person at the time of application for a replacement  
28 license. A county clerk may also deliver a replacement license by  
29 first-class mail if the individual submits to the clerk a written

1 request and a copy of the individual's state-issued driver license  
2 or personal identification card.

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

8 (21) An individual licensed under this act to carry a  
9 concealed pistol may voluntarily surrender that license without  
10 explanation. A county clerk shall retain a surrendered license as  
11 an official record for 1 year after the license is surrendered. If  
12 an individual voluntarily surrenders a license under this  
13 subsection, the county clerk shall notify the department of state  
14 police. The department of state police shall enter into the law  
15 enforcement information network that the license was voluntarily  
16 surrendered and the date the license was voluntarily surrendered.

17 (22) As used in this section:

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

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

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

29 ~~(iii) For an individual who is licensed as a private~~

1 ~~investigator or private detective under the professional~~  
2 ~~investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,~~  
3 ~~his or her license.~~

4 ~~(iv) For an individual who is a corrections officer of a county~~  
5 ~~sheriff's department, his or her employee identification and a~~  
6 ~~letter stating that the individual has received county sheriff~~  
7 ~~approved weapons training.~~

8 ~~(v) For an individual who is a retired corrections officer of~~  
9 ~~a county sheriff's department, a letter from the county sheriff's~~  
10 ~~office stating that the retired corrections officer retired in good~~  
11 ~~standing and that the individual has received county sheriff~~  
12 ~~approved weapons training.~~

13 ~~(vi) For an individual who is a motor carrier officer or~~  
14 ~~capitol security officer of the department of state police, his or~~  
15 ~~her employee identification.~~

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

18 ~~(viii) For an individual who is an auxiliary officer or reserve~~  
19 ~~officer of a police or sheriff's department, his or her employee~~  
20 ~~identification.~~

21 ~~(ix) For an individual who is a parole, probation, or~~  
22 ~~corrections officer, or absconder recovery unit member, of the~~  
23 ~~department of corrections, his or her employee identification and~~  
24 ~~proof that the individual obtained a Michigan department of~~  
25 ~~corrections weapons permit.~~

26 ~~(x) For an individual who is a retired parole, probation, or~~  
27 ~~corrections officer, or retired absconder recovery unit member, of~~  
28 ~~the department of corrections, a letter from the department of~~  
29 ~~corrections stating that the retired parole, probation, or~~



~~corrections officer, or retired absconder recovery unit member,  
retired in good standing and proof that the individual obtained a  
Michigan department of corrections weapons permit.~~

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

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

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

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

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

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

**(c)** ~~(d)~~ "Mental illness" means a substantial disorder of  
thought or mood that significantly impairs judgment, behavior,

1 capacity to recognize reality, or ability to cope with the ordinary  
 2 demands of life, and includes, but is not limited to, clinical  
 3 depression.

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

10 (e) ~~(f)~~—"Treatment" means care or any therapeutic service,  
 11 including, but not limited to, the administration of a drug, and  
 12 any other service for the treatment of a mental illness.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Carry a pistol concealed on or about ~~his or her~~ **the individual's** person anywhere in this state.

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

(4) The secretary of state shall make a digitized photograph taken of the applicant for a driver license or personal identification card available to the department for use under this act. The department shall provide the photograph of the applicant received from the secretary of state to the county clerk who shall use the photograph on the individual's license unless the applicant does not have a digitized photograph on file with the secretary of

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

5 Sec. 5f. (1) An individual who is licensed to carry a  
6 concealed pistol shall have ~~his or her~~ **the individual's** license to  
7 carry that pistol and ~~his or her~~ **the individual's** state-issued  
8 driver license or personal identification card in ~~his or her~~ **the**  
9 **individual's** possession at all times ~~he or she~~ **the individual** is  
10 carrying a concealed pistol or a portable device that uses electro-  
11 muscular disruption technology.

12 (2) An individual who is licensed to carry a concealed pistol  
13 and who is carrying a concealed pistol or a portable device that  
14 uses electro-muscular disruption technology shall show both of the  
15 following to a peace officer upon request by that peace officer:

16 (a) ~~His or her~~ **The individual's** license to carry a concealed  
17 pistol.

18 (b) ~~His or her~~ **The individual's** state-issued driver license or  
19 personal identification card.

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

28 (4) An individual who violates subsection (1) or (2) is  
29 responsible for a state civil infraction and shall be fined

1 \$100.00.

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

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

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

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

20 (7) A pistol or portable device that uses electro-muscular  
21 disruption technology carried in violation of this section is  
22 subject to immediate seizure by a peace officer. If a peace officer  
23 seizes a pistol or portable device that uses electro-muscular  
24 disruption technology under this subsection, the individual has 45  
25 days in which to display ~~his or her~~ **the individual's** license or  
26 documentation to an authorized employee of the law enforcement  
27 entity that employs the peace officer. If the individual displays  
28 ~~his or her~~ **the individual's** license or documentation to an  
29 authorized employee of the law enforcement entity that employs the

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

13 (a) The individual has ~~his or her~~ **the individual's** state-  
14 issued driver license or personal identification card in ~~his or her~~  
15 **the individual's** possession when the violation occurs.

16 (b) The peace officer verifies through the law enforcement  
17 information network that the individual is licensed to carry a  
18 concealed pistol.

19 (8) As used in this section, "peace officer" includes a motor  
20 carrier officer appointed under section 6d of 1935 PA 59, MCL  
21 28.6d, and security personnel employed by the state under section  
22 6c of 1935 PA 59, MCL 28.6c.

23 Enacting section 1. Section 5o of 1927 PA 372, MCL 28.425o, is  
24 repealed.