

# SENATE BILL No. 891

December 10, 2003, Introduced by Senators McMANUS, KUIPERS, JELINEK, TOY, BARCIA, BIRKHOLZ, GOSCHKA and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5h, 5j, 5k, 5m, 5o, 5w, 6a, and 8 (MCL 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425h, 28.425j, 28.425k, 28.425m, 28.425o, 28.425w, 28.426a, and 28.428), section 4 as added by 1992 PA 219, sections 5, 5a, 5e, 5h, 5k, 5m, and 5w as added and section 8 as amended by 2000 PA 381, section 5b as amended by 2003 PA 31, sections 5c, 5d, 5f, 5j, and 5o as amended

by 2002 PA 719, and section 6a as amended by 1991 PA 34.

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

1       Sec. 4. (1) A person who is prohibited from possessing,  
2 using, transporting, selling, purchasing, carrying, shipping,  
3 receiving, or distributing a firearm under section 224f(2) of the  
4 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
5 ~~being section 750.224f of the Michigan Compiled Laws 1931 PA~~  
6 **328, MCL 750.224f**, may apply to the ~~concealed weapons licensing~~  
7 ~~board in the county in which he or she resides~~ **secretary of**  
8 **state** for restoration of those rights.

9       (2) Not more than 1 application may be submitted under  
10 subsection (1) in any calendar year. The ~~concealed weapons~~  
11 ~~licensing board~~ **secretary of state** may charge a fee of not more  
12 than \$10.00 for the actual and necessary expenses of each  
13 application.

14       (3) The ~~concealed weapons licensing board~~ **secretary of**  
15 **state** shall, by written order, ~~of the board,~~ restore the rights  
16 of a person to possess, use, transport, sell, purchase, carry,  
17 ship, receive, or distribute a firearm if the ~~board~~ **secretary**  
18 **of state** determines, by clear and convincing evidence, that all  
19 of the following circumstances exist:

20       (a) The person properly submitted an application for  
21 restoration of those rights as provided under this section.

22       (b) The expiration of 5 years after all of the following  
23 circumstances:

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

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

3           (iii) The person has successfully completed all conditions of  
4 probation or parole imposed for the violation resulting in the  
5 prohibition.

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

9           (4) If the ~~concealed weapons licensing board~~ **secretary of**  
10 **state** pursuant to subsection (3) refuses to restore a right under  
11 this section, the person may petition the circuit court for  
12 review of that decision.

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

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

20           (b) The fingerprint cards required under section ~~5b(11)~~  
21 **5b**.

22           (c) Written information regarding the procedures involved in  
23 obtaining a license to carry a concealed pistol, including  
24 information regarding the right to appeal the denial of a license  
25 and the form required for that appeal.

26           (d) Written information identifying entities that offer the  
27 training required under section ~~5b(7)(e)~~ **5b**.

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

4 (3) An individual who is denied an application kit under this  
5 section and obtains an order of mandamus directing the ~~concealed~~  
6 ~~weapon licensing board~~ **secretary of state** to provide him or her  
7 with the application kit shall be awarded his or her actual and  
8 reasonable costs and attorney fees for obtaining the order.

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

14 Sec. 5a. ~~(1) Each county shall have a concealed weapon~~  
15 ~~licensing board. The concealed weapon licensing board of each~~  
16 ~~county shall have the following members:~~

17 ~~—— (a) The county prosecuting attorney or his or her designee.~~  
18 ~~However, if the county prosecuting attorney decides that he or~~  
19 ~~she does not want to be a member of the concealed weapon~~  
20 ~~licensing board, he or she shall notify the county board of~~  
21 ~~commissioners in writing that he or she does not want to be a~~  
22 ~~member of the concealed weapon licensing board for the balance of~~  
23 ~~his or her term in office. The county board of commissioners~~  
24 ~~shall then appoint a replacement for the prosecuting attorney who~~  
25 ~~is a firearms instructor who has the qualifications prescribed in~~  
26 ~~section 5j(1)(c). The person who replaces the prosecuting~~  
27 ~~attorney shall serve on the concealed weapon licensing board in~~

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

~~9 (b) The county sheriff or his or her designee.~~

~~10 (c) The director of the department of state police or his or  
11 her designee.~~

~~12 (2) If a prosecuting attorney chooses not to be a member of  
13 the concealed weapon licensing board, all of the following  
14 apply:~~

~~15 (a) The prosecuting attorney shall be notified of all  
16 applications received by the concealed weapon licensing board.~~

~~17 (b) The prosecuting attorney shall be given an opportunity to  
18 object to granting a license to carry a concealed pistol and  
19 present evidence bearing directly on an applicant's suitability  
20 to carry a concealed pistol safely.~~

~~21 (c) The prosecuting attorney shall disclose to the concealed  
22 weapon licensing board any information of which he or she has  
23 actual knowledge that bears directly on an applicant's  
24 suitability to carry a concealed pistol safely.~~

~~25 (3) The county prosecuting attorney or his or her designee  
26 shall serve as chairperson of the board unless the prosecuting  
27 attorney does not want to be a member of the concealed weapon~~

~~1 licensing board, in which case the concealed weapon licensing  
2 board shall elect its chairperson. Two members of the concealed  
3 weapon licensing board constitute a quorum of the concealed  
4 weapon licensing board. The business of the concealed weapon  
5 licensing board shall be conducted by a majority vote of all of  
6 the members of the concealed weapon licensing board.~~

~~7 (4) The county clerk shall serve as the clerk of the  
8 concealed weapon licensing board.~~

~~9 (1) (5) Except as otherwise provided in this act, the  
10 concealed weapon licensing board~~ **The secretary of state** has  
11 exclusive authority to issue, deny, revoke, or suspend a license  
12 to carry a concealed pistol. The ~~concealed weapon licensing  
13 board~~ **secretary of state** shall perform other duties **concerning  
14 concealed pistols** as provided by law.

~~15 (6) The concealed weapon licensing board may convene not  
16 more than 3 panels to assist the board in evaluating applicants.  
17 The panels shall be composed of representatives as prescribed in  
18 subsection (1). The panels do not have the authority to issue,  
19 deny, revoke, or suspend a license.~~

~~20 (2) (7) The concealed weapon licensing board~~ **secretary of  
21 state** may investigate ~~the~~ **an** applicant for a license to carry a  
22 concealed pistol. The investigation shall be restricted to  
23 determining only whether the applicant is eligible under this act  
24 to receive a license to carry a concealed pistol, and the  
25 investigation regarding the issuance of a license shall end after  
26 that determination is made. The ~~concealed weapon licensing  
27 board~~ **secretary of state** may require the applicant to appear

1 before the ~~board~~ **secretary of state** at a mutually agreed-upon  
2 time for a conference. The applicant's failure or refusal to  
3 appear without valid reason before the ~~concealed weapon~~  
4 ~~licensing board as provided in this subsection~~ **secretary of**  
5 **state** is grounds for the ~~board~~ **secretary of state** to deny  
6 issuance of a license to carry a concealed pistol to that  
7 applicant.

8       (3) ~~(8)~~ If the ~~concealed weapon licensing board~~ **secretary**  
9 **of state** determines there is probable cause to believe the safety  
10 of the applicant or the safety of a member of the applicant's  
11 family is endangered by the applicant's inability to immediately  
12 obtain a license to carry a concealed pistol, the ~~concealed~~  
13 ~~weapon licensing board~~ **secretary of state** may, pending issuance  
14 of a license, issue a temporary license to the individual to  
15 carry a concealed pistol. A temporary license shall be on a form  
16 provided by the department of state police. A temporary license  
17 shall be unrestricted and shall be valid for not more than 180  
18 days. A temporary license may be renewed for 1 additional period  
19 of not more than 180 days. A temporary license is, for all other  
20 purposes of this act, a license to carry a concealed pistol.

21       ~~(9) The legislative service bureau shall compile the~~  
22 ~~firearms laws of this state, including laws that apply to~~  
23 ~~carrying a concealed pistol, and shall provide copies of the~~  
24 ~~compilation to each concealed weapon licensing board in this~~  
25 ~~state for distribution under this subsection. A concealed weapon~~  
26 ~~licensing board shall distribute a copy of the compilation to~~  
27 ~~each individual who applies for a license to carry a concealed~~

1 ~~pistol at the time the application is submitted. The concealed~~  
2 ~~weapon licensing board shall require the applicant to sign a~~  
3 ~~written statement acknowledging that he or she has received a~~  
4 ~~copy of the compilation. An individual is not eligible to~~  
5 ~~receive a license to carry a concealed pistol until he or she has~~  
6 ~~signed the statement.~~

7       Sec. 5b. (1) To obtain a license to carry a concealed  
8 pistol, an individual shall apply to the ~~concealed weapon~~  
9 ~~licensing board in the county in which that individual resides~~  
10 **secretary of state**. The application shall be filed ~~with the~~  
11 ~~county clerk~~ during ~~the county clerk's~~ normal business hours.  
12 The application shall be on a form provided by the ~~director of~~  
13 ~~the department of state police~~ **secretary of state** and shall  
14 allow the applicant to ~~designate whether~~ **indicate that** the  
15 applicant seeks a temporary license. The application shall be  
16 signed under oath by the applicant. The oath shall be  
17 administered by the ~~county clerk~~ **secretary of state** or his or  
18 her representative. The application shall contain all of the  
19 following: ~~information:~~

20       (a) The applicant's legal name and date of birth and the  
21 address of his or her primary residence. If the applicant  
22 resides in a city, village, or township that has a police  
23 department, the name of the police department.

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

27       (c) A statement by the applicant authorizing the ~~concealed~~



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

19 (d) A statement by the applicant regarding whether he or she  
20 has a history of mental illness that would disqualify him or her  
21 under subsection (7)(j) to (l) from receiving a license to carry  
22 a concealed pistol, and authorizing the ~~concealed weapon~~  
23 ~~licensing board~~ **secretary of state** to access the mental health  
24 records of the applicant relating to his or her mental health  
25 history. The applicant may request that information received by  
26 the ~~concealed weapon licensing board~~ **secretary of state** under  
27 this subdivision be reviewed in a closed session. If the

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

12 (e) A statement by the applicant regarding whether he or she  
13 has ever been convicted in this state or elsewhere for any felony  
14 or misdemeanor.

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

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

19 (h) The names, residential addresses, and telephone numbers  
20 of 2 individuals who are references for the applicant.

21 (i) A passport-quality photograph of the applicant provided  
22 by the applicant at the time of application.

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

25 (2) The application form shall contain a conspicuous warning  
26 that the application is executed under oath and that  
27 intentionally making a material false statement on the

1 application is a felony punishable by imprisonment for not more  
2 than 4 years or a fine of not more than \$2,500.00, or both.

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

7 (4) The ~~concealed weapon licensing board~~ **secretary of state**  
8 shall retain a copy of each application for a license to carry a  
9 concealed pistol as an official record. One year after the  
10 expiration of a concealed pistol license, the ~~county clerk~~  
11 **secretary of state** may destroy the record and maintain only a  
12 name index of the record.

13 (5) Each applicant shall pay a fee of \$105.00 by any method  
14 of payment accepted by ~~that county~~ **the secretary of state** for  
15 payments of other fees and penalties. Except for a local police  
16 agency as provided in subsection (9), a unit of local government,  
17 an agency of a unit of local government, or an agency or  
18 department of this state shall not charge an additional fee,  
19 assessment, or other amount in connection with a license under  
20 this section. ~~The fee shall be payable to the county. The~~  
21 ~~county treasurer shall deposit \$41.00 of each fee collected under~~  
22 ~~this section in the general fund of the county and credit \$26.00~~  
23 ~~of that deposit to the credit of the county clerk and \$15.00 of~~  
24 ~~that deposit to the credit of the county sheriff and forward the~~  
25 ~~balance to the state treasurer. The money collected under this~~  
26 **section shall be deposited in the state treasury.** The state  
27 treasurer shall deposit the ~~balance of the~~ fee in the general

1 fund to the credit of the department of state police. The  
2 department of state police shall use the money received under  
3 this act to process the fingerprints and to reimburse the federal  
4 bureau of investigation for the costs associated with processing  
5 fingerprints submitted under this act. The balance of the money  
6 received under this act shall be credited to the department of  
7 state police.

8 (6) The ~~county sheriff on behalf of the concealed weapon~~  
9 ~~licensing board~~ **department of state police** shall verify the  
10 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),  
11 (l), and (m) through the law enforcement information network and  
12 report ~~his or her~~ **the** finding to the ~~concealed weapon~~  
13 ~~licensing board~~ **secretary of state**. If the applicant resides in  
14 a city, village, or township that has a police department, the  
15 ~~concealed weapon licensing board~~ **secretary of state** shall  
16 contact that city, village, or township police department to  
17 determine only whether that city, village, or township police  
18 department has any information relevant to the investigation of  
19 whether the applicant is eligible under this act to receive a  
20 license to carry a concealed pistol.

21 (7) The ~~concealed weapon licensing board~~ **secretary of state**  
22 shall issue a license to an applicant to carry a concealed pistol  
23 within the period required under this act after the applicant  
24 properly submits an application under subsection (1) and the  
25 ~~concealed weapon licensing board~~ **secretary of state** determines  
26 that all of the following circumstances exist:

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

1 (b) The applicant is a citizen of the United States or is a  
2 resident legal alien as defined in section 11 of title 18 of the  
3 United States Code, is a resident of this state, and has resided  
4 in this state for at least 6 months. The ~~concealed weapon~~  
5 ~~licensing board~~ **secretary of state** may waive the 6-month  
6 residency requirement for a temporary license under section  
7 ~~5a(8)~~ **5a(3)** if the ~~concealed weapon licensing board~~ **secretary**  
8 **of state** determines there is probable cause to believe the safety  
9 of the applicant or the safety of a member of the applicant's  
10 family is endangered by the applicant's inability to immediately  
11 obtain a license to carry a concealed pistol.

12 (c) The applicant has knowledge and has had training in the  
13 safe use and handling of a pistol by the successful completion of  
14 a pistol safety training course or class that meets the  
15 requirements of section 5j, and that is available to the general  
16 public and presented by a law enforcement agency, junior or  
17 community college, college, or public or private institution or  
18 organization or firearms training school.

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

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

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

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

27 (iv) Section 6b of chapter V of the code of criminal

1 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
2 imposed pursuant to section 6b(3) of chapter V of the code of  
3 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

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

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

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

19 (i) Section 617a of the Michigan vehicle code, 1949 PA 300,  
20 MCL 257.617a (failing to stop when involved in a personal injury  
21 accident).

22 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300,  
23 MCL 257.625, punishable as provided in ~~subsection (8)(b) of~~  
24 ~~that~~ **section 625(9)(b) of the Michigan vehicle code, 1949 PA**  
25 **300, MCL 257.625** (drunk driving, second offense).

26 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,  
27 MCL 257.625m, punishable under ~~subsection (4) of that~~ section

1 625m(4) of the Michigan vehicle code, 1949 PA 300, MCL 257.625m  
2 (drunk driving, commercial vehicle).

3 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300,  
4 MCL 257.626 (reckless driving).

5 (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,  
6 MCL 257.904 (driving while license suspended or revoked),  
7 punishable as a second or subsequent offense.

8 (vi) Section 185 of the aeronautics code of the state of  
9 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft with  
10 alcohol with prior conviction).

11 (vii) Section 29 of the weights and measures act, 1964  
12 PA 283, MCL 290.629 (**assaulting**, hindering, or obstructing  
13 weights and measures enforcement officer).

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

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

23 (x) Section 82127 of the natural resources and environmental  
24 protection act, 1994 PA 451, MCL 324.82127 (operating a  
25 snowmobile under the influence with prior conviction), punishable  
26 under section 82128(1)(b) or (c) of the natural resources and  
27 environmental protection act, 1994 PA 451, MCL 324.82128.

1           (xi) Section 80176 of the natural resources and environmental  
2 protection act, 1994 PA 451, MCL 324.80176, ~~and~~ punishable  
3 under section 80177(1)(b) **of the natural resources and**  
4 **environmental protection act, 1994 PA 451, MCL 324.80177**  
5 (operating vessel under the influence, second or subsequent  
6 offense).

7           (xii) Section 7403 of the public health code, 1978 PA 368,  
8 MCL 333.7403.

9           (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,  
10 MCL 462.353 (operating locomotive under the influence),  
11 punishable under ~~subsection (4) of that~~ section **353(4) of the**  
12 **railroad code of 1993, 1993 PA 354, MCL 462.353.**

13           (xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying  
14 sexually explicit materials to minors).

15           (xv) Section 81 of the Michigan penal code, 1931 PA 328,  
16 MCL 750.81 (assault or domestic assault).

17           (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931  
18 PA 328, MCL 750.81a (aggravated assault or aggravated domestic  
19 assault).

20           (xvii) Section 115 of the Michigan penal code, 1931 PA 328,  
21 MCL 750.115 (entering without breaking).

22           (xviii) Section 136b(6) of the Michigan penal code, 1931  
23 PA 328, MCL 750.136b (fourth degree child abuse).

24           (xix) Section 145a of the Michigan penal code, 1931 PA 328,  
25 MCL 750.145a (accosting, enticing, or soliciting a child for  
26 immoral purposes).

27           (xx) Section 145n of the Michigan penal code, 1931 PA 328,



1 MCL 750.145n (vulnerable adult abuse).

2 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931  
3 PA 328, MCL 750.157b (solicitation to commit a felony).

4 (xxii) Section ~~215~~ **215(2)** of the Michigan penal code, 1931  
5 PA 328, MCL 750.215 (impersonating sheriff, conservation officer,  
6 coroner, constable, or police officer).

7 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328,  
8 MCL 750.223 (illegal sale of a firearm or ammunition).

9 (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,  
10 MCL 750.224d (illegal sale of a self-defense spray).

11 (xxv) Section 226a of the Michigan penal code, 1931 PA 328,  
12 MCL 750.226a (sale or possession of a switchblade).

13 (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,  
14 MCL 750.227c (improper transportation of a firearm).

15 (xxvii) Section 228 of the Michigan penal code, 1931 PA 328,  
16 MCL 750.228 (failure to have a pistol inspected).

17 (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,  
18 MCL 750.229 (accepting a pistol in pawn).

19 (xxix) Section 232 of the Michigan penal code, 1931 PA 328,  
20 MCL 750.232 (failure to register the purchase of a firearm or a  
21 firearm component).

22 (xxx) Section 232a of the Michigan penal code, 1931 PA 328,  
23 MCL 750.232a (improperly obtaining a pistol, making a false  
24 statement on an application to purchase a pistol, or using false  
25 identification to purchase a pistol).

26 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328,  
27 MCL 750.233 (intentionally aiming a firearm without malice).

1           (*xxxii*) Section 234 of the Michigan penal code, 1931 PA 328,  
2 MCL 750.234 (intentionally discharging a firearm aimed without  
3 malice).

4           (*xxxiii*) Section 234d of the Michigan penal code, 1931  
5 PA 328, MCL 750.234d (possessing a firearm on prohibited  
6 premises).

7           (*xxxiv*) Section 234e of the Michigan penal code, 1931 PA 328,  
8 MCL 750.234e (brandishing a firearm in public).

9           (*xxxv*) Section 234f of the Michigan penal code, 1931 PA 328,  
10 MCL 750.234f (possession of a firearm by an individual less than  
11 18 years of age).

12           (*xxxvi*) Section 235 of the Michigan penal code, 1931 PA 328,  
13 MCL 750.235 (intentionally discharging a firearm aimed without  
14 malice causing injury).

15           (*xxxvii*) Section 235a of the Michigan penal code, 1931  
16 PA 328, MCL 750.235a (parent of a minor who possessed a firearm  
17 in a weapon free school zone).

18           (*xxxviii*) Section 236 of the Michigan penal code, 1931  
19 PA 328, MCL 750.236 (setting a spring gun or other device).

20           (*xxxix*) Section 237 of the Michigan penal code, 1931 PA 328,  
21 MCL 750.237 (possessing a firearm while under the influence of  
22 intoxicating liquor or a drug).

23           (*xl*) Section 237a of the Michigan penal code, 1931 PA 328,  
24 MCL 750.237a (weapon free school zone violation).

25           (*xli*) Section 335a of the Michigan penal code, 1931 PA 328,  
26 MCL 750.335a (indecent exposure).

27           (*xlii*) Section 411h of the Michigan penal code, 1931 PA 328,

1 MCL 750.411h (stalking).

2       (xliii) Section 1 of 1952 PA 45, MCL 752.861 (reckless,  
3 careless, or negligent use of a firearm resulting in injury or  
4 death).

5       (xliv) Section 2 of 1952 PA 45, MCL 752.862 (careless,  
6 reckless, or negligent use of a firearm resulting in property  
7 damage).

8       (xlv) Section 3a of 1952 PA 45, MCL 752.863a (reckless  
9 discharge of a firearm).

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

14       (i) The applicant has not been convicted of a misdemeanor  
15 violation of any of the following in the 3 years immediately  
16 preceding the date of application unless the misdemeanor  
17 violation is listed under subdivision (h):

18       (i) Section 625 of the Michigan vehicle code, 1949 PA 300,  
19 MCL 257.625 (operating under the influence).

20       (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,  
21 MCL 257.625a (refusal of commercial vehicle driver to submit to a  
22 chemical test).

23       (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,  
24 MCL 257.625k ~~—(negligently fails to comply—~~ **(failing to comply**  
25 **with ignition interlock device manufacturing requirement)**.

26       (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,  
27 MCL 257.625l (circumventing an ignition interlocking device).

1 (v) Section 625m of the Michigan vehicle code, 1949 PA 300,  
2 MCL 257.625m, punishable under ~~subsection (3) of that~~ section  
3 **625m(3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625m**  
4 (operating a commercial vehicle with alcohol content).

5 (vi) 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 (vii) Section 81134 of the natural resources and  
9 environmental protection act, 1994 PA 451, MCL 324.81134  
10 (operating ORV under the influence).

11 (viii) Section 81135 of the natural resources and  
12 environmental protection act, 1994 PA 451, MCL 324.81135  
13 (operating ORV ~~having consumed controlled substance~~ **while**  
14 **visibly impaired**).

15 (ix) Section 82127 of the natural resources and environmental  
16 protection act, 1994 PA 451, MCL 324.82127 (operating a  
17 snowmobile under the influence **or while visibly impaired**).

18 (x) Part 74 of the public health code, 1978 PA 368, MCL  
19 333.7401 to 333.7461 (controlled substances).

20 (xi) Section 353 of the railroad code of 1993, 1993 PA 354,  
21 MCL 462.353 (operating locomotive under the influence),  
22 punishable under ~~subsection (3) of that~~ section **353(3) of the**  
23 **railroad code of 1993, 1993 PA 354, MCL 462.353**.

24 (xii) Section 167 of the Michigan penal code, 1931 PA 328,  
25 MCL 750.167 (disorderly person).

26 (xiii) Section 174 of the Michigan penal code, 1931 PA 328,  
27 MCL 750.174 (embezzlement).

1           (xiv) Section 218 of the Michigan penal code, 1931 PA 328,  
2 MCL 750.218 (false pretenses).

3           (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL  
4 750.356 (larceny).

5           (xvi) Section 356d of the Michigan penal code, 1931 PA 328,  
6 MCL 750.356d (retail fraud).

7           (xvii) Section 359 of the Michigan penal code, 1931 PA 328,  
8 MCL 750.359 (larceny-vacant building).

9           (xviii) Section 362 of the Michigan penal code, 1931 PA 328,  
10 MCL 750.362 (larceny by conversion).

11          (xix) Section 362a of the Michigan penal code, 1931 PA 328,  
12 MCL 750.362a (defrauding lessor).

13          (xx) Section 377a of the Michigan penal code, 1931 PA 328,  
14 MCL 750.377a (malicious destruction of property).

15          (xxi) Section 380 of the Michigan penal code, 1931 PA 328,  
16 MCL 750.380 (malicious destruction of real property).

17          (xxii) Section 479a of the Michigan penal code, 1931 PA 328,  
18 MCL 750.479a (failure to obey police direction).

19          (xxiii) Section 535 of the Michigan penal code, 1931 PA 328,  
20 MCL 750.535 (receiving stolen property).

21          (xxiv) Section 540e of the Michigan penal code, 1931 PA 328,  
22 MCL 750.540e (malicious use of ~~telephones~~ **telecommunications**  
23 **service**).

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

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

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

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

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

12          (n) Issuing a license to the applicant to carry a concealed  
13 pistol in this state is not detrimental to the safety of the  
14 applicant or to any other individual. A determination under this  
15 subdivision shall be based on clear and convincing evidence of  
16 repeated violations of this act, crimes, personal protection  
17 orders or injunctions, or police reports or other clear and  
18 convincing evidence of the actions of, or statements of, the  
19 applicant that bear directly on the applicant's ability to carry  
20 a concealed pistol.

21          (8) Upon entry of a court order or conviction of 1 of the  
22 enumerated prohibitions for using, transporting, selling,  
23 purchasing, carrying, shipping, receiving or distributing a  
24 firearm in this section the department of state police shall  
25 immediately enter the order or conviction into the law  
26 enforcement information network. For purposes of this act,  
27 information of the court order or conviction shall not be removed

1 from the law enforcement information network, but may be moved to  
2 a separate file intended for the use ~~of~~ by the ~~county~~  
3 ~~concealed weapon licensing boards~~ **secretary of state**, the  
4 courts, and other government entities as necessary and  
5 exclusively to determine eligibility to be licensed under this  
6 act.

7 (9) An individual, after submitting an application and paying  
8 the fee prescribed under subsection (5), shall request and have  
9 classifiable fingerprints taken by the county sheriff or a local  
10 police agency if that local police agency maintains  
11 fingerprinting capability. If the individual requests that  
12 classifiable fingerprints be taken by a local police agency, the  
13 individual shall also pay to that local police agency a fee of  
14 \$15.00 by any method of payment accepted by the unit of local  
15 government for payments of other fees and penalties. The county  
16 sheriff or local police agency shall take the fingerprints within  
17 5 business days after the request.

18 (10) The fingerprints shall be taken, under subsection (9),  
19 on forms and in a manner prescribed by the department of state  
20 police. The fingerprints shall be immediately forwarded to the  
21 department of state police for comparison with fingerprints  
22 already on file with the department of state police. The  
23 department of state police shall forward the fingerprints to the  
24 federal bureau of investigation. Within 10 days after receiving  
25 a report of the fingerprints from the federal bureau of  
26 investigation, the department of state police shall provide a  
27 copy to the submitting sheriff's department or local police

1 agency as appropriate and the ~~clerk of the appropriate concealed~~  
2 ~~weapon licensing board~~ **secretary of state**. Except as provided  
3 in subsection (14), the ~~concealed weapon licensing board~~  
4 **secretary of state** shall not issue a concealed pistol license  
5 until it receives the fingerprint comparison report prescribed in  
6 this subsection. The ~~concealed weapon licensing board~~  
7 **secretary of state** may deny a license if an individual's  
8 fingerprints are not classifiable by the federal bureau of  
9 investigation.

10 (11) The ~~concealed weapon licensing board~~ **secretary of**  
11 **state** shall deny a license to an applicant to carry a concealed  
12 pistol if the applicant is not qualified under subsection (7) to  
13 receive that license.

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

17 (13) Subject to subsections (10) and (14), the ~~concealed~~  
18 ~~weapon licensing board~~ **secretary of state** shall issue or deny  
19 issuance of a license within 45 days after the ~~concealed weapon~~  
20 ~~licensing board~~ **secretary of state** receives the fingerprint  
21 comparison report provided under subsection (10). If the  
22 ~~concealed weapon licensing board~~ **secretary of state** denies  
23 issuance of a license to carry a concealed pistol, the ~~concealed~~  
24 ~~weapon licensing board~~ **secretary of state** shall within 5  
25 business days do both of the following:

26 (a) Inform the applicant in writing of the reasons for the  
27 denial. Information under this subdivision shall include all of



1 the following:

2 (i) A statement of the specific and articulable facts  
3 supporting the denial.

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

6 (b) Inform the applicant in writing of his or her right to  
7 appeal the denial to the circuit court as provided in section  
8 5d.

9 (14) If the fingerprint comparison report is not received by  
10 the ~~concealed weapon licensing board~~ **secretary of state** within  
11 60 days after the fingerprint report is forwarded to the  
12 department of state police by the federal bureau of  
13 investigation, the ~~concealed weapon licensing board~~ **secretary**  
14 **of state** shall issue a temporary license to carry a concealed  
15 pistol to the applicant if the applicant is otherwise qualified  
16 for a license. A temporary license issued under this section is  
17 valid for 180 days or until the ~~concealed weapon licensing~~  
18 ~~board~~ **secretary of state** receives the fingerprint comparison  
19 report provided under subsection (10) and issues or denies  
20 issuance of a license to carry a concealed pistol as otherwise  
21 provided under this act. Upon issuance or the denial of issuance  
22 of the license to carry a concealed pistol to an applicant who  
23 received a temporary license under this section, the applicant  
24 shall immediately surrender the temporary license to the  
25 ~~concealed weapon licensing board that issued that temporary~~  
26 ~~license~~ **secretary of state**.

27 (15) If an individual licensed under this act to carry a

1 concealed pistol moves to a different county within this state,  
2 his or her license remains valid until it expires or is otherwise  
3 suspended or revoked under this act. A license to carry a  
4 concealed pistol that is lost, stolen, or defaced may be replaced  
5 by the ~~issuing county clerk~~ **secretary of state** for a  
6 replacement fee of \$10.00.

7 (16) If ~~a concealed weapons licensing board~~ **the secretary**  
8 **of state** suspends or revokes a license issued under this act, the  
9 license is forfeited and shall be **immediately** returned to the  
10 ~~concealed weapons licensing board forthwith~~ **secretary of**  
11 **state.**

12 (17) As used in this section:

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

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

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

1 depression.

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

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

11 Sec. 5c. (1) A license to carry a concealed pistol shall be  
12 in a form, with the same dimensions as a Michigan operator  
13 license, prescribed by the department of state police. The  
14 license shall contain all of the following:

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

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

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

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

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

21 (2) Subject to section 50 and except as otherwise provided by  
22 law, a license to carry a concealed pistol issued by the ~~county~~  
23 ~~concealed weapon licensing board~~ **secretary of state** authorizes  
24 the licensee to do all of the following:

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

27 (b) Carry a pistol in a vehicle, whether concealed or not

1 concealed, anywhere in this state.

2       Sec. 5d. (1) If the ~~concealed weapon licensing board~~  
3 **secretary of state** denies issuance of a license to carry a  
4 concealed pistol, or fails to issue that license as provided in  
5 this act, the applicant may appeal the denial or the failure to  
6 issue the license to the circuit court in the judicial circuit in  
7 which he or she resides. The appeal of the denial or failure to  
8 issue a license shall be determined by a review of the record for  
9 error, except that if the decision of the ~~concealed weapon~~  
10 ~~licensing board~~ **secretary of state** was based upon grounds  
11 specified in section 5b(7)(n) that portion of the appeal shall be  
12 by hearing de novo. Witnesses in the hearing shall be sworn. A  
13 jury shall not be provided in a hearing under this section.

14       (2) If the court determines that the denial or failure to  
15 issue a license was clearly erroneous, the court shall order the  
16 ~~concealed weapon licensing board~~ **secretary of state** to issue a  
17 license as required by this act.

18       (3) If the court determines that the decision of the  
19 ~~concealed weapon licensing board~~ **secretary of state** to deny  
20 issuance of a license to an applicant was arbitrary and  
21 capricious, the court shall order this state to pay ~~1/3 and the~~  
22 ~~county in which the concealed weapon licensing board is located~~  
23 ~~to pay 2/3 of~~ the actual costs and actual attorney fees of the  
24 applicant in appealing the denial.

25       (4) If the court determines that an applicant's appeal was  
26 frivolous, the court shall order the applicant to pay the actual  
27 costs and actual attorney fees of the ~~concealed weapon licensing~~

1 ~~board~~ **secretary of state** in responding to the appeal.

2       Sec. 5e. (1) The ~~department of state police~~ **secretary of**  
3 **state** shall create and maintain a computerized database of  
4 individuals who apply under this act for a license to carry a  
5 concealed pistol. The database shall contain only the following  
6 information as to each individual:

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

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

11       (c) Except as provided in subsection (2), if the individual  
12 was denied a license to carry a concealed pistol after the  
13 effective date of the amendatory act that added this subdivision,  
14 a statement of the reasons for that denial.

15       (d) A statement of all criminal charges pending and criminal  
16 convictions obtained against the individual during the license  
17 period.

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

21       (2) If an individual who was denied a license to carry a  
22 concealed pistol after ~~the effective date of the amendatory act~~  
23 ~~that added this subsection~~ **July 1, 2001** is subsequently issued a  
24 license to carry a concealed pistol, the department of state  
25 police shall delete from the computerized database the ~~previous~~  
26 reasons for the **previous** denial.

27       (3) The department of state police shall enter the

1 information described in subsection (1)(a) and (b) into the law  
2 enforcement information network.

3 (4) Information in the database, compiled under  
4 subsections (1) through (3), is confidential, is not subject to  
5 disclosure under the freedom of information act, 1976 PA 442,  
6 MCL 15.231 to 15.246, and shall not be disclosed to any person  
7 except for purposes of this act or for law enforcement purposes.  
8 The information compiled under subsection (5) is subject to  
9 disclosure under the freedom of information act, 1976 PA 442,  
10 MCL 15.231 to 15.246.

11 (5) The ~~department of state police~~ **secretary of state** shall  
12 file an annual report with the secretary of the senate and the  
13 clerk of the house of representatives setting forth all of the  
14 following information for each county: ~~concealed weapon~~  
15 ~~licensing board~~.

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

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

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

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

20 (e) The number of concealed pistol licenses revoked.

21 (f) Categories for revocation under subdivision (e).

22 (g) The number of applications pending at the time the report  
23 is made.

24 (h) The mean and median amount of time and the longest and  
25 shortest amount of time used by the federal bureau of  
26 investigation to supply the fingerprint comparison report  
27 required in section ~~5b(11)~~ **5b(10)**. The ~~department~~ **secretary**

1 **of state** may use a statistically significant sample to comply  
2 with this subdivision.

3 (i) The number of charges of state civil infractions of this  
4 act or charges of criminal violations, categorized by offense,  
5 filed against individuals licensed to carry a concealed pistol  
6 that resulted in a finding of responsibility or a criminal  
7 conviction. The report shall indicate the number of crimes in  
8 each category of criminal offense that involved the brandishing  
9 or use of a pistol, the number that involved the carrying of a  
10 pistol by the license holder during the commission of the crime,  
11 and the number in which no pistol was carried by the license  
12 holder during the commission of the crime.

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

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

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

23 (m) For the purposes of subdivisions (i), (j), (k), and (l),  
24 the ~~department of state police~~ **secretary of state** shall use the  
25 data provided under section 5m.

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

1 ~~(e) Actual costs incurred per permit for each county.~~

2 Sec. 5f. (1) An individual who is licensed under this act  
3 to carry a concealed pistol shall have his or her license to  
4 carry that pistol in his or her possession at all times he or she  
5 is carrying a concealed pistol.

6 (2) An individual who is licensed under this act to carry a  
7 concealed pistol and who is carrying a concealed pistol shall  
8 show both of the following to a peace officer upon request by  
9 that peace officer:

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

11 (b) His or her driver license or Michigan personal  
12 identification card.

13 (3) An individual licensed under this act to carry a  
14 concealed pistol and who is carrying a concealed pistol and who  
15 is stopped by a peace officer shall immediately disclose to the  
16 peace officer that he or she is carrying a pistol concealed upon  
17 his or her person or in his or her vehicle.

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

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

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

26 (b) For a subsequent offense within 3 years of a prior  
27 offense, by a fine of not more than \$1,000.00 and by the



1 individual's license to carry a concealed pistol being revoked.

2 (6) If an individual is found responsible for a state civil  
3 infraction under this section, the court shall notify the  
4 department of state police and the ~~concealed weapon licensing~~  
5 ~~board that issued the license~~ **secretary of state** of that  
6 determination.

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

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

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

1           Sec. 5h. (1) An individual who is licensed to carry a  
2 concealed pistol on ~~the effective date of the amendatory act~~  
3 ~~that added this section~~ **January 1, 2005** may carry a concealed  
4 pistol under that license until the license expires or the  
5 individual's authority to carry a concealed pistol under that  
6 license is otherwise terminated, whichever occurs first.

7           (2) An individual who is licensed under this act to carry a  
8 concealed pistol on ~~the effective date of the amendatory act~~  
9 ~~that added this section~~ **January 1, 2005** may apply for a renewal  
10 license upon the expiration of that license as provided in  
11 section 5l.

12           Sec. 5j. (1) A pistol training or safety program described  
13 in section 5b(7)(c) meets the requirements for knowledge or  
14 training in the safe use and handling of a pistol only if the  
15 program consists of 8 hours of instruction and all of the  
16 following conditions are met:

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

21           (i) The safe storage, use, and handling of a pistol  
22 including, but not limited to, safe storage, use, and handling to  
23 protect child safety.

24           (ii) Ammunition knowledge, and the fundamentals of pistol  
25 shooting.

26           (iii) Pistol shooting positions.

27           (iv) Firearms and the law, including civil liability issues

1 and the use of deadly force. This portion shall be taught by an  
2 attorney or an individual trained in the use of deadly force.

3 (v) Avoiding criminal attack and controlling a violent  
4 confrontation.

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

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

10 (c) The program provides a certificate of completion that  
11 states the program complies with the requirements of this section  
12 and that the individual successfully completed the course, and  
13 that is signed by the course instructor.

14 (d) The instructor of the course is certified by this state  
15 or a national organization to teach the 8-hour pistol safety  
16 training course described in this section.

17 (2) A person shall not do either of the following:

18 (a) Grant a certificate of completion described under  
19 subsection (1)(c) to an individual knowing the individual did not  
20 satisfactorily complete the course.

21 (b) Present a certificate of completion described under  
22 subsection (1)(c) to ~~a concealed weapon licensing board~~ **the**  
23 **secretary of state** knowing that the individual did not  
24 satisfactorily complete the course.

25 (3) A person who violates subsection (2) is guilty of a  
26 felony punishable by imprisonment for not more than 4 years or a  
27 fine of not more than \$2,500.00, or both.

1           Sec. 5k. (1) Acceptance of a license issued under this act  
2 to carry a concealed pistol constitutes implied consent to submit  
3 to a chemical analysis under this section. This section also  
4 applies to individuals listed in section ~~12a(a) to (f)~~ **12a(a),**  
5 **(b), (c), (d), (e), (f), and (i).**

6           (2) An individual shall not carry a concealed pistol while he  
7 or she is under the influence of alcoholic liquor or a controlled  
8 substance or while having a bodily alcohol content prohibited  
9 under this section. A person who violates this section is  
10 responsible for a state civil infraction or guilty of a crime as  
11 follows:

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

24           (b) If the person had a bodily alcohol content of .08 or more  
25 but less than .10 grams per 100 milliliters of blood, per 210  
26 liters of breath, or per 67 milliliters of urine, the individual  
27 is guilty of a misdemeanor punishable by imprisonment for not

1 more than 93 days or \$100.00, or both. The court may order the  
2 ~~concealed weapon licensing board that issued the individual a~~  
3 ~~license to carry a concealed pistol~~ **secretary of state** to revoke  
4 the license for not more than 3 years. The ~~concealed weapon~~  
5 ~~licensing board~~ **secretary of state** shall revoke the license as  
6 ordered by the court.

7 (c) If the person had a bodily alcohol content of .02 or more  
8 but less than .08 grams per 100 milliliters of blood, per 210  
9 liters of breath, or per 67 milliliters of urine, the individual  
10 is responsible for a state civil infraction and may be fined not  
11 more than \$100.00. The court may order the ~~concealed weapon~~  
12 ~~licensing board that issued the individual the license~~ **secretary**  
13 **of state** to revoke the license for 1 year. The ~~concealed weapon~~  
14 ~~licensing board~~ **secretary of state** shall revoke the license as  
15 ordered by the court. The court shall notify the ~~concealed~~  
16 ~~weapon licensing board that issued the individual a license to~~  
17 ~~carry a concealed pistol~~ **secretary of state** if an individual is  
18 found responsible for a subsequent violation of this  
19 subdivision.

20 (3) This section does not prohibit an individual licensed  
21 under this act to carry a concealed pistol who has any bodily  
22 alcohol content from transporting that pistol in the locked trunk  
23 of his or her motor vehicle or another motor vehicle in which he  
24 or she is a passenger or, if the vehicle does not have a trunk,  
25 from transporting that pistol unloaded in a locked compartment or  
26 container that is separated from the ammunition for that pistol  
27 or on a vessel if the pistol is transported unloaded in a locked

1 compartment or container that is separated from the ammunition  
2 for that pistol.

3 (4) A peace officer who has probable cause to believe an  
4 individual is carrying a concealed pistol in violation of this  
5 section may require the individual to submit to a chemical  
6 analysis of his or her breath, blood, or urine.

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

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

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

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

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

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

26 (7) If a person refuses to take a chemical test authorized  
27 under this section, the peace officer shall promptly report the

1 refusal in writing to the ~~concealed weapon licensing board~~ that  
2 issued the license to the individual to carry a concealed pistol  
3 **secretary of state.**

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

10 (9) As used in this section:

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

14 (b) "Controlled substance" means that term as defined in  
15 section 7104 of the public health code, 1978 PA 368,  
16 MCL 333.7401.

17 Sec. 5m. A prosecuting attorney shall promptly notify the  
18 ~~county concealed weapon licensing board that issued the license~~  
19 **secretary of state** of a criminal charge against a license holder  
20 for a felony or specified criminal offense as defined in this  
21 act. The prosecuting attorney shall promptly notify the ~~county~~  
22 ~~concealed weapon licensing board that issued the license~~  
23 **secretary of state** of the disposition of the criminal charge. If  
24 a license holder is convicted of a crime, the prosecuting  
25 attorney's notification shall indicate if the crime involved the  
26 brandishing or use of a pistol, if a pistol was carried by the  
27 license holder during the commission of the crime, or if ~~no~~ a

1 pistol was **not** carried by the license holder during the  
2 commission of the crime. The ~~state police~~ **secretary of state**  
3 shall provide a form for reporting purposes. ~~Each year by a~~  
4 ~~date determined by the director of the department of state~~  
5 ~~police, the chairperson of the county concealed weapon licensing~~  
6 ~~board shall compile and provide a report to the department of~~  
7 ~~state police in a format determined by the director of the~~  
8 ~~department of state police containing the information provided to~~  
9 ~~the concealed weapon licensing board under this section, section~~  
10 ~~5f(6), or section 5k(7) or (8).~~

11       Sec. 5o. (1) Subject to subsection (4), an individual  
12 licensed under this act to carry a concealed pistol, or who is  
13 exempt from licensure under section 12a(f), shall not carry a  
14 concealed pistol on the premises of any of the following:

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

23       (b) A public or private child care center or day care center,  
24 public or private child caring institution, or public or private  
25 child placing agency.

26       (c) A sports arena or stadium.

27       (d) A bar or tavern licensed under the Michigan liquor



1 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where  
2 the primary source of income of the business is the sale of  
3 alcoholic liquor by the glass and consumed on the premises. This  
4 subdivision ~~shall~~ **does** not apply to an owner or employee of the  
5 business. The Michigan liquor control commission shall develop  
6 and make available to holders of licenses under the Michigan  
7 liquor control code of 1998, 1998 PA 58, MCL 436.1101 to  
8 436.2303, an appropriate sign stating that "This establishment  
9 prohibits patrons from carrying concealed weapons". The owner or  
10 operator of an establishment licensed under the Michigan liquor  
11 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, may,  
12 but ~~shall~~ **is** not ~~be~~ required to, post the sign developed  
13 under this subdivision. A record made available by an  
14 establishment licensed under the Michigan liquor control code of  
15 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
16 this subdivision is exempt from disclosure under the freedom of  
17 information act, 1976 PA 442, MCL 15.231 to 15.246.

18 (e) Any property or facility owned or operated by a church,  
19 synagogue, mosque, temple, or other place of worship, unless the  
20 presiding official or officials of the church, synagogue, mosque,  
21 temple, or other place of worship permit the carrying of  
22 concealed pistol on that property or facility.

23 (f) An entertainment facility with a seating capacity of  
24 2,500 or more individuals that the individual knows or should  
25 know has a seating capacity of 2,500 or more individuals or that  
26 has a sign above each public entrance stating in letters not less  
27 than 1-inch high a seating capacity of 2,500 or more

1 individuals.

2 (g) A hospital.

3 (h) A dormitory or classroom of a community college, college,  
4 or university.

5 (2) An individual licensed under this act to carry a  
6 concealed pistol, or who is exempt from licensure under section  
7 12a(f), shall not carry a concealed pistol in violation of  
8 R 432.1212 or a successor rule of the Michigan administrative  
9 code promulgated pursuant to the Michigan gaming control and  
10 revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

11 (3) As used in subsection (1), "premises" does not include  
12 parking areas of the places identified under subsection (1).

13 (4) Subsection (1) does not apply to any of the following:

14 (a) An individual licensed under this act who is a retired  
15 police officer or retired law enforcement officer. The  
16 ~~concealed weapon licensing board~~ **secretary of state** may require  
17 a letter from the law enforcement agency stating that the retired  
18 police officer or law enforcement officer retired in good  
19 standing.

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

25 (c) An individual who is licensed as a private investigator  
26 or private detective under the private detective license act,  
27 1965 PA 285, MCL 338.821 to 338.851.

1 (d) Any of the following who is licensed under this act while  
2 on duty and in the course of his or her employment:

3 (i) A corrections officer of a county sheriff's department.

4 (ii) A motor carrier officer or capitol security officer of  
5 the department of state police.

6 (iii) A member of a sheriff's posse.

7 (iv) An auxiliary officer or reserve officer of a police or  
8 sheriff's department.

9 (v) A parole or probation officer of the department of  
10 corrections.

11 (5) An individual who violates this section is responsible  
12 for a state civil infraction or guilty of a crime as follows:

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

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

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

27 Sec. 5w. (1) One million dollars is appropriated from the

1 general fund to the department of state police for the fiscal  
2 year ending September 30, 2001 for all of the following:

3 (a) Distributing trigger locks or other safety devices for  
4 firearms to the public free of charge.

5 (b) Providing concealed pistol application kits to county  
6 sheriffs, local police agencies, and county clerks for  
7 distribution under section 5.

8 (c) The fingerprint analysis and comparison reports required  
9 under section 5b(11).

10 (d) Photographs required under section 5c.

11 (e) Creating and maintaining the database required under  
12 section 5e.

13 (f) Creating and maintaining a database of firearms that  
14 have been reported lost or stolen. Information in the database  
15 shall be made available to law enforcement through the law  
16 enforcement information network.

17 ~~(g) Grants to county concealed weapon licensing boards for~~  
18 ~~expenditure only to implement this act.~~

19 (g) ~~(h)~~ Training under section 5v(4).

20 (h) ~~(i)~~ Creating and distributing the reporting forms  
21 required under section 5m.

22 (i) ~~(j)~~ A public safety campaign regarding the  
23 requirements of this act.

24 (2) Pursuant to section 30 of article IX of the state  
25 constitution of 1963, total state spending under subsection (1)  
26 for the fiscal year ending September 30, 2001 is \$1,000,000.00.

27 (3) The appropriations made and the expenditures authorized

1 under this section and the departments, agencies, commissions,  
2 boards, offices, and programs for which an appropriation is made  
3 under this section are subject to the management and budget act,  
4 1984 PA 431, MCL 18.1101 to 18.1594.

5       Sec. 6a. (1) ~~A concealed weapons licensing board~~ **The**  
6 **secretary of state** may issue to any bank, trust company, armored  
7 car company, railway company, express company, or other company,  
8 institution, copartnership, or individual having in its, their,  
9 or the individual's possession large sums of money or other  
10 valuables, a license authorizing the licensee to equip the  
11 premises or vehicles under its, their, or the individual's  
12 control with gas ejecting devices to be used solely for the  
13 purpose of protecting those premises or vehicles and the persons  
14 or property in the premises or vehicles from criminal assaults.

15       (2) The ~~director of the department of state police~~  
16 **secretary of state** shall promulgate rules to govern the issuing  
17 of the license and the making of an application for the license.  
18 The rules shall be promulgated pursuant to the administrative  
19 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
20 ~~as amended, being sections 24.201 to 24.328 of the Michigan~~  
21 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 to 24.328. The ~~concealed~~  
22 ~~weapons licensing board~~ **secretary of state** may issue to any  
23 company, copartnership, or individual under the limitations and  
24 pursuant to the rules promulgated by the director of the  
25 department of state police a license authorizing the corporation,  
26 copartnership, or individual to manufacture or sell, or both, a  
27 gas ejecting or emitting weapon, cartridge, or device to any

1 person authorized by law to possess the weapon, cartridge, or  
2 device.

3 (3) For purposes of this section, "gas ejecting device" means  
4 a device designed for the purpose of rendering a person either  
5 temporarily or permanently disabled by the ejection, release, or  
6 emission of a gas or other substance.

7 (4) A license shall not be required under this section for  
8 the sale, purchase, or possession of a self-defense spray device,  
9 as defined in section 224d of the Michigan penal code, ~~Act~~  
10 ~~No. 328 of the Public Acts of 1931, being section 750.224d of the~~  
11 ~~Michigan Compiled Laws— 1931 PA 328, MCL 750.224d.~~

12 Sec. 8. (1) The ~~concealed weapon licensing board that~~  
13 ~~issued a license to an applicant to carry a concealed pistol~~  
14 **secretary of state** may revoke that license if the ~~board~~  
15 **secretary of state** determines that the individual committed any  
16 violation of this act other than a violation of section 5f(4) or  
17 if the ~~board~~ **secretary of state** determines that the individual  
18 is not eligible under this act to receive a license to carry a  
19 concealed pistol. If the ~~board~~ **secretary of state** determines  
20 that the individual has been found responsible for 3 or more  
21 state civil infraction violations of this act during the license  
22 period, the ~~board~~ **secretary of state** shall conduct a hearing  
23 and may suspend the individual's license for not more than 1  
24 year.

25 (2) Except as provided in subsections (3) and (4), a license  
26 shall not be revoked under this section except upon written  
27 complaint and an opportunity for a hearing before the ~~board~~

1 **secretary of state.** The ~~board~~ **secretary of state** shall give  
2 the individual at least 10 days' notice of a hearing under this  
3 section. The notice shall be by personal service or by certified  
4 mail delivered to the individual's last known address.

5 (3) If the ~~concealed weapon licensing board~~ **secretary of**  
6 **state** is notified by a law enforcement agency or prosecuting  
7 official that an individual licensed to carry a concealed pistol  
8 is charged with a felony or misdemeanor as defined in this act,  
9 the ~~concealed weapon licensing board~~ **secretary of state** shall  
10 immediately suspend the individual's license until there is a  
11 final disposition of the charge for that offense and send notice  
12 of that suspension to the individual's last known address as  
13 indicated in the records of the ~~concealed weapon licensing~~  
14 ~~board~~ **secretary of state.** The notice shall inform the  
15 individual that he or she is entitled to a prompt hearing on the  
16 suspension, and the ~~concealed weapon licensing board~~ **secretary**  
17 **of state** shall conduct a prompt hearing if requested in writing  
18 by the individual. The requirements of subsection (2) do not  
19 apply to this subsection.

20 (4) If the ~~concealed weapon licensing board~~ **secretary of**  
21 **state** determines by clear and convincing evidence based on  
22 specific articulable facts that the applicant poses a danger to  
23 the applicant or to any other person, the ~~concealed weapon~~  
24 ~~licensing board~~ **secretary of state** shall immediately suspend the  
25 individual's license pending a revocation hearing under this  
26 section. The ~~concealed weapon licensing board~~ **secretary of**  
27 **state** shall send notice of the suspension to the individual's

1 last known address as indicated in the records of the ~~concealed~~  
2 ~~weapon licensing board~~ **secretary of state**. The notice shall  
3 inform the individual that he or she is entitled to a prompt  
4 hearing on the suspension, and the ~~concealed weapon licensing~~  
5 ~~board~~ **secretary of state** shall conduct a prompt hearing if  
6 requested in writing by the individual. The requirements of  
7 subsection (2) do not apply to this subsection.

8 (5) If the ~~concealed weapon licensing board~~ **secretary of**  
9 **state** orders a license suspended or revoked under this section or  
10 amends a suspension or revocation order, the ~~concealed weapon~~  
11 ~~licensing board~~ **secretary of state** shall immediately notify a  
12 law enforcement agency having jurisdiction in the county in which  
13 the ~~concealed weapon licensing board is located~~ **licensee**  
14 **resides** to enter the order or amended order into the law  
15 enforcement information network. A law enforcement agency that  
16 receives notice of an order or amended order under this  
17 subsection from ~~a concealed weapon licensing board~~ **the**  
18 **secretary of state** shall immediately enter the order or amended  
19 order into the law enforcement information network as requested  
20 by ~~that concealed weapon licensing board~~ **the secretary of**  
21 **state**.

22 (6) A suspension or revocation order or amended order issued  
23 under this section is immediately effective. However, an  
24 individual is not criminally liable for violating the order or  
25 amended order unless he or she has received notice of the order  
26 or amended order.

27 (7) If an individual is carrying a pistol in violation of a



1 suspension or revocation order or amended order issued under this  
2 section but has not previously received notice of the order or  
3 amended order, the individual shall be informed of the order or  
4 amended order and be given an opportunity to properly store the  
5 pistol or otherwise comply with the order or amended order before  
6 an arrest is made for carrying the pistol in violation of this  
7 act.

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

15 (9) The ~~clerk of the concealed weapon licensing board~~  
16 **secretary of state** is authorized to administer an oath to any  
17 individual testifying before the ~~board~~ **secretary of state** at a  
18 hearing under this section.

19 Enacting section 1. This amendatory act takes effect  
20 January 1, 2005.