

**STATE OF MICHIGAN**  
**96TH LEGISLATURE**  
**REGULAR SESSION OF 2012**

Introduced by Senators Green, Casperson, Pavlov, Robertson and Moolenaar

**ENROLLED SENATE BILL No. 59**

AN ACT 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 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, 28.425o, and 28.428), section 1 as amended by 2012 PA 243, section 2a as amended by 2010 PA 210, section 4 as added by 1992 PA 219, sections 5, 5a, 5e, and 5m as added by 2000 PA 381, sections 5b and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, sections 5f, 5k, and 5o as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 1. (1) As used in this act:

(a) "Felony" means 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.

(b) "Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BBs not exceeding .177 caliber.

(c) "Licensing authority" means, for purposes of issuing a license to carry a concealed pistol only, 1 of the following:

(i) Through April 30, 2013, the concealed weapon licensing board having the authority under this act to issue to an applicant a license to carry a concealed pistol.

(ii) Beginning May 1, 2013, the county sheriff having the authority under this act to issue to an applicant a license to carry a concealed pistol.

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

(e) "Peace officer" means, except as otherwise provided in this act, an individual who is employed as a law enforcement officer, as that term is defined under section 2 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.602, by this state or another state, a political subdivision of this state or another state, or the United States, and who is required to carry a firearm in the course of his or her duties as a law enforcement officer.

(f) "Pistol" means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(g) "Purchaser" means a person who receives a pistol from another person by purchase or gift.

(h) "Reserve peace officer", "auxiliary officer", or "reserve officer" means, except as otherwise provided in this act, an individual authorized on a voluntary or irregular basis by a duly authorized police agency of this state or a political subdivision of this state to act as a law enforcement officer, who is responsible for the preservation of the peace, the prevention and detection of crime, and the enforcement of the general criminal laws of this state, and who is otherwise eligible to possess a firearm under this act.

(i) "Retired police officer" or "retired law enforcement officer" means an individual who was a police officer or law enforcement officer who was certified as described under section 9a of the commission on the law enforcement standards act, 1965 PA 203, MCL 28.609a, and retired in good standing from his or her employment as a police officer or law enforcement officer. A police officer or law enforcement officer retired in good standing if he or she receives a pension or other retirement benefit for his or her service as a police officer or law enforcement officer or has actively maintained a Michigan commission on law enforcement standards or equivalent state certification for 20 or more consecutive years.

(j) "Seller" means a person who sells or gives a pistol to another person.

(k) "State court judge" means a judge of the district court, circuit court, probate court, or court of appeals or justice of the supreme court of this state who is serving either by election or appointment.

(l) "State court retired judge" means a judge or justice described in subdivision (k) who is retired, or a retired judge of the recorders court.

(2) A person may lawfully own, possess, carry, or transport as a pistol a firearm greater than 26 inches in length if all of the following conditions apply:

(a) The person registered the firearm as a pistol under section 2 or 2a before January 1, 2013.

(b) The person who registered the firearm as described in subdivision (a) has maintained registration of the firearm since January 1, 2013 without lapse.

(c) The person possesses a copy of the license or record issued to him or her under section 2 or 2a.

(3) A person who satisfies all of the conditions listed under subsection (2) nevertheless may elect to have the firearm not be considered to be a pistol. A person who makes the election under this subsection shall notify the department of state police of the election in a manner prescribed by that department.

Sec. 2a. (1) The following individuals are not required to obtain a license under section 2 to purchase, carry, possess, use, or transport a pistol:

(a) An individual licensed under section 5b.

(b) A federally licensed firearms dealer.

(c) An individual who purchases a pistol from a federally licensed firearms dealer in compliance with 18 USC 922(t).

(2) If an individual described in subsection (1) purchases or otherwise acquires a pistol, the seller shall complete a record in triplicate on a form provided by the department of state police. The record shall include the purchaser's concealed weapon license number or, if the purchaser is a federally licensed firearms dealer, his or her dealer license number. If the purchaser is not licensed under section 5b and is not a federally licensed firearms dealer, the record shall include the dealer license number of the federally licensed firearms dealer who is selling the pistol. The purchaser shall sign the record. The seller may retain 1 copy of the record. The purchaser shall receive 2 copies of the record and forward 1 copy to the police department of the city, village, or township in which the purchaser resides, or, if the purchaser does not reside in a city, village, or township having a police department, to the county sheriff, within 10 days following the purchase or acquisition. The return of the copy to the police department or county sheriff may be made in person or may be made by first-class mail or certified mail sent within the 10-day period to the proper address of the police department or county sheriff. A purchaser who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a purchaser is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police. If the purchaser is licensed under section 5b, the court shall notify the licensing authority of that determination.

(3) Within 10 days after receiving the record copy returned under subsection (2), the police department or county sheriff shall electronically enter the information into the pistol entry database as required by the department of state police if it has the ability to electronically enter that information. If the police department or county sheriff does not have that ability, the police department or county sheriff shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any police department or county sheriff that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Within 48 hours after entering or otherwise providing the information on the record copy returned under subsection (2) to the department of state police, the police department or county sheriff shall forward the copy of the record to the department of state police. The purchaser has

the right to obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The police department or county sheriff may charge a fee not to exceed \$1.00 for the cost of providing the copy. The purchaser may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the record. However, the person is not required to have the record in his or her possession while carrying, using, possessing, or transporting the pistol after this period.

(4) This section does not apply to a person or entity exempt under section 2(7).

(5) An individual who makes a material false statement on a sales record under this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.

(6) The department of state police may promulgate rules to implement this section.

(7) As used in this section, "federally licensed firearms dealer" means an individual who holds a type 01 dealer license under 18 USC 923.

Sec. 4. (1) A person who is prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f(2) of the Michigan penal code, 1931 PA 328, MCL 750.224f, may apply to the licensing authority in the county in which he or she resides for restoration of those rights.

(2) Not more than 1 application may be submitted under subsection (1) in any calendar year. The licensing authority may charge a fee of not more than \$10.00 for the actual and necessary expenses of each application.

(3) The licensing authority shall, by written order, restore the rights of a person to possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm if the licensing authority determines, by clear and convincing evidence, that all of the following circumstances exist:

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

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

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

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

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

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

(4) If the licensing authority under subsection (3) refuses to restore a right under this section, the person may petition the circuit court for review of that decision.

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

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

(b) The fingerprint cards under section 5b(10), if required.

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

(d) Written information identifying entities that offer the training required under section 5b(7)(c).

(e) Refund forms for use under sections 5b(14) and 5l(4).

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

(3) An individual who is denied an application kit under this section and obtains an order of mandamus directing the licensing authority to provide him or her with the application kit shall be awarded his or her actual and reasonable costs and attorney fees for obtaining the order.

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

Sec. 5a. (1) Through April 30, 2013, each county shall have a concealed weapon licensing board. The concealed weapon licensing board of each county shall have the following members:

(a) The county prosecuting attorney or his or her designee. However, if the county prosecuting attorney decides that he or she does not want to be a member of the concealed weapon licensing board, he or she shall notify the county board of commissioners in writing that he or she does not want to be a member of the concealed weapon licensing board for

the balance of his or her term in office. The county board of commissioners shall then appoint a replacement for the prosecuting attorney who is a firearms instructor who has the qualifications prescribed in section 5j(1)(c). The person who replaces the prosecuting attorney shall serve on the concealed weapon licensing board in place of the prosecuting attorney for the remaining term of the county prosecuting attorney unless removed for cause by the county board of commissioners. If a vacancy occurs on the concealed weapon licensing board of the person appointed pursuant to this section during the term of office of the county prosecuting attorney, the county board of commissioners shall appoint a replacement person who is a firearms instructor who has the qualifications prescribed in section 5j(1)(c).

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

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

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

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

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

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

(3) The county prosecuting attorney or his or her designee shall serve as chairperson of the board unless the prosecuting attorney does not want to be a member of the concealed weapon licensing board, in which case the concealed weapon licensing board shall elect its chairperson. Two members of the concealed weapon licensing board constitute a quorum of the concealed weapon licensing board. The business of the concealed weapon licensing board shall be conducted by a majority vote of all of the members of the concealed weapon licensing board.

(4) The county clerk shall serve as the clerk of the licensing authority and shall be responsible for storing and maintaining all records related to the issuance or denial of a license.

(5) Except as otherwise provided in this act, the licensing authority has exclusive authority to issue, deny, revoke, or suspend a license to carry a concealed pistol. The licensing authority shall perform other duties as provided by law.

(6) The concealed weapon licensing board may convene not more than 3 panels to assist the board in evaluating applicants. The panels shall be composed of representatives as prescribed in subsection (1). The panels do not have the authority to issue, deny, revoke, or suspend a license. The authority of any panel convened under this subsection shall expire not later than 12 midnight April 30, 2013.

(7) The licensing authority may investigate the applicant for a license to carry a concealed pistol. The investigation shall be restricted to determining only whether the applicant is eligible under this act to receive a license to carry a concealed pistol, and the investigation regarding the issuance of a license shall end after that determination is made. The licensing authority may require the applicant to appear before the licensing authority for a conference only if the licensing authority has reason to believe that the applicant may not be qualified under this act to receive a license to carry a concealed pistol. The clerk of the licensing authority shall send the notification to appear at a conference in a sealed envelope delivered by first-class mail sent to the applicant's address as shown by the records of the licensing authority. The notification shall include a specific statutory citation for each disqualification to be addressed. The conference shall be held at a date and time that is mutually agreeable to both the licensing authority and the applicant. The applicant's failure or refusal to appear without valid reason before the licensing authority as provided in this subsection is grounds for the licensing authority to deny issuance of a license to carry a concealed pistol to that applicant.

(8) If the licensing authority determines there is probable cause to believe the safety of the applicant or the safety of a member of the applicant's family is endangered by the applicant's inability to immediately obtain a license to carry a concealed pistol, the licensing authority may, pending issuance of a license, issue a temporary license to the individual to carry a concealed pistol. A temporary license shall be on a form provided by the department of state police. A temporary license shall be unrestricted and shall be valid for not more than 180 days. A temporary license may be renewed for 1 additional period of not more than 180 days. A temporary license is, for all other purposes of this act, a license to carry a concealed pistol.

(9) The legislative service bureau shall compile the firearms laws of this state, including laws that apply to carrying a concealed pistol, and shall provide copies of the compilation in an electronic format to the department of the state police. The department of state police shall provide a copy of the compiled laws to each licensing authority and the clerk of each licensing authority in this state together with information regarding the rights and responsibilities of applicants, license holders, and licensing authorities under this act. The department of state police shall also provide forms to appeal any denial, suspension, or revocation of a license under this act. The department of state police shall distribute copies of the compilation, information, and forms required under this subsection in electronic format to each licensing authority and the clerk of each licensing authority. The clerk of a licensing authority shall distribute a copy of the compilation, information, and forms to each individual who applies for a license to carry a concealed pistol at the time the application is submitted. The clerk of a licensing authority shall require the applicant to sign a written statement

acknowledging that he or she has received a copy of the compilation, information, and forms provided under this subsection. An individual is not eligible to receive a license to carry a concealed pistol until he or she has signed the statement.

(10) Effective 12 midnight April 30, 2013, the county concealed weapon licensing boards are eliminated and the duties, functions, and responsibilities of those boards are transferred to the county sheriffs as provided in this act. Each county concealed weapon licensing board shall transfer all license applications and official documents in its possession to the clerk of the licensing authority of the county in which the board is located no later than 12 midnight April 30, 2013. All pending applications remain in place, and the sheriff for that county shall process those applications as provided in this act as licensing authority for that county. The sheriff shall not charge any additional fee for receiving or processing an application previously submitted to the county concealed weapon licensing board, except as otherwise provided in this act. A license to carry a concealed pistol issued by a concealed weapon licensing board before 12 midnight April 30, 2013 is valid and remains in effect until the expiration of that license or as otherwise provided by law.

Sec. 5b. (1) To obtain a license to carry a concealed pistol, an individual shall apply to the licensing authority in the county in which that individual resides. The application shall be filed with the county clerk during the county clerk's normal business hours. The application shall be on a form provided by the director of the department of state police and shall allow the applicant to designate whether the applicant seeks a temporary license and whether he or she seeks an exemption from the prohibition against carrying a concealed pistol on the premises described in section 5o. The application shall be signed under oath by the applicant. The oath shall be administered by the county clerk or his or her representative. The application shall contain all of the following:

(a) The applicant's legal name and date of birth and the address of his or her primary residence. If the applicant resides in a city, village, or township that has a police department, the name of the police department. Information received under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

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

(c) A statement by the applicant authorizing the licensing authority to access any record, including any medical record, pertaining to the applicant's qualifications for a license to carry a concealed pistol under this act. The applicant may request that information received by the licensing authority under this subdivision be reviewed in a closed session. If the applicant requests that the session be closed, the licensing authority shall close the session only for purposes of this subdivision. The applicant and his or her representative have the right to be present in the closed session. Medical records and personal identifying information received by the licensing authority under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes or if the applicant is convicted of a felony involving a pistol.

(d) A statement by the applicant regarding whether he or she has a history of mental illness that would disqualify him or her under subsection (7)(j) to (l) from receiving a license to carry a concealed pistol, and authorizing the licensing authority to access the mental health records of the applicant relating to his or her mental health history. The applicant may request that information received by the licensing authority under this subdivision be reviewed in a closed session. If the applicant requests that the session be closed, the licensing authority shall close the session only for purposes of this subdivision. The applicant and his or her representative have the right to be present in the closed session. Medical records and personal identifying information received by the licensing authority under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

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

(i) Any felony.

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

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

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

(h) The names, residential addresses, and telephone numbers of 2 individuals who are references for the applicant. References under this subdivision shall not be related to the applicant or be members of the same household as the applicant. Information received under this subdivision is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

(i) A passport-quality photograph of the applicant provided by the applicant or, if the applicant does not provide his or her own passport-quality photograph, a photograph of the applicant taken by the clerk of the licensing authority at no charge or for a reasonable fee. Neither the clerk nor the licensing authority shall require the applicant to have his or her photograph taken by the clerk or by any other specific office or vendor if the applicant provides his or her own photograph that complies with the requirement of this subdivision.

(j) A signature of the applicant obtained by the county clerk at the time of application for use on his or her license to carry a concealed pistol or as otherwise required.

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

(l) A properly completed refund authorization form signed by the applicant that will allow the clerk of the licensing authority to issue any refund to the applicant as required under this act without additional authorization and without requiring the applicant to return to the licensing authority or any other entity to receive the refund.

(2) Neither the licensing authority nor the clerk of the licensing authority shall require the applicant to submit any additional forms, documents, letters, or other evidence of eligibility for obtaining a license to carry a concealed pistol except as set forth in subsection (1) or as otherwise provided for in this act. This does not prohibit the applicant from voluntarily submitting additional documentation if he or she chooses to do so at his or her own initiative and does not prohibit the licensing authority from requiring an applicant in writing to provide additional documentation that is necessary to address a specific disqualification set forth in this act and identified in a written notice sent to the applicant under section 5(7). The application form shall contain a conspicuous warning that the application is executed under oath and that intentionally making a material false statement on the application is a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.

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

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

(5) Each applicant shall pay an application and licensing fee of \$105.00 by any method of payment accepted by that county for payments of other fees and penalties. The fee shall cover all costs in the application and licensing process through and including the denial or issuance of a license. Except for a local police agency as provided in subsection (9), no other charge, fee, cost, or assessment, including any local charge, fee, cost, or assessment, shall be required of the applicant except as specifically authorized in this act. The application and licensing fee shall be payable to the county. The county treasurer shall deposit \$41.00 of each application and licensing fee collected under this section in the concealed pistol licensing fund created in section 5x. The county treasurer shall forward the balance remaining to the state treasurer. The state treasurer shall deposit the balance of the fee in the general fund to the credit of the department of state police. The department of state police shall use the money received under this act to process the fingerprints and to reimburse the federal bureau of investigation for the costs associated with processing fingerprints submitted under this act. The balance of the money received under this act shall be credited to the department of state police.

(6) The county sheriff shall verify the requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k), and (m) through the law enforcement information network and shall verify the requirements of subsection (7)(l). Through April 30, 2013, the county sheriff shall report his or her finding to the concealed weapon licensing board. If the applicant resides in a city, village, or township that has a police department, the licensing authority shall contact that city, village, or township police department to determine only whether that city, village, or township police department has any information relevant to the investigation of whether the applicant is eligible under this act to receive a license to carry a concealed pistol. In all cases, the licensing authority shall contact the county sheriff, county prosecuting attorney, and the state police post having jurisdiction to determine only whether that county sheriff, county prosecuting attorney, or state police post has any information relevant to the investigation of whether the applicant is eligible under this act to receive a license to carry a concealed pistol. The licensing authority may require a person claiming active duty status with the United States armed forces under this section to provide proof of 1 or both of the following:

(a) The person's home of record.

(b) Permanent active duty assignment in this state.

(7) The licensing authority shall issue, and the clerk of the licensing authority shall send, a license to an applicant to carry a concealed pistol within the period required under this act if the licensing authority determines that all of the following circumstances exist:

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

(b) The applicant is a citizen of the United States or is an alien lawfully admitted into the United States, is a legal resident of this state, and has resided in this state for not less than the 6 months immediately preceding the date of application. The licensing authority may waive the 6-month residency requirement for a temporary license under section 5a(8) if the licensing authority determines there is probable cause to believe the safety of the applicant or the

safety of a member of the applicant's family is endangered by the applicant's inability to immediately obtain a license to carry a concealed pistol. If the applicant holds a valid concealed pistol license issued by another state at the time the applicant's residency in this state is established, the licensing authority may waive the 6-month waiting period and the applicant may apply for a concealed pistol license at the time the applicant's residency in this state is established. The licensing authority shall immediately issue and the clerk of the licensing authority shall immediately send a temporary license to that applicant. The temporary license shall be valid until the licensing authority decides whether to grant or deny the application. For the purposes of this section, a person shall be considered a legal resident of this state if any of the following apply:

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

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

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

(iv) The person is on active duty status with the United States armed forces and is permanently stationed in this state, but the person's home of record is in another state.

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

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

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

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

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

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

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

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

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

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

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

(i) Section 617a (failing to stop when involved in a personal injury accident), 625(9)(b) (operating while intoxicated, second offense), 625m(4) (operating a commercial vehicle with alcohol content, second offense), 626 (reckless driving), or 904(1) (operating while license suspended or revoked, second or subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

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

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

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

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

(ix) Section 81 (assault or domestic assault), 81a(1) or (2) (aggravated assault or aggravated domestic assault), 115 (breaking and entering or entering without breaking), 136b(8) (fourth degree child abuse), 145n (vulnerable adult abuse), 157b(3)(b) (solicitation to commit a felony), 215 (impersonating peace officer or medical examiner), 223 (illegal sale of a firearm or ammunition), 224d (illegal use or sale of a self-defense spray), 226a (sale or possession of a switchblade), 227c (improper transportation of a loaded firearm), 228 (failure to have a pistol inspected), 229 (accepting a pistol in pawn), 232 (failure to register the purchase of a firearm or a firearm component), 232a (improperly obtaining a pistol, making a false statement on an application to purchase a pistol, or using false identification to purchase a pistol), 233 (intentionally aiming a firearm without malice), 234 (intentionally discharging a firearm aimed without malice), 234d (possessing a firearm on prohibited premises), 234e (brandishing a firearm in public), 234f (possession of a firearm by an individual less than 18 years of age), 235 (intentionally discharging a firearm aimed without malice causing injury), 235a (parent of a minor who possessed a firearm in a weapon free school zone), 236 (setting a spring gun or other device), 237 (possessing a firearm while under the influence of intoxicating liquor or a controlled substance), 237a (weapon free school zone violation), 335a (indecent exposure), 411h (stalking), or 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, 750.228, 750.229, 750.232, 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) Section 1 (reckless, careless, or negligent use of a firearm resulting in injury or death), 2 (careless, reckless, or negligent use of a firearm resulting in property damage), or 3a (reckless discharge of a firearm) of 1952 PA 45, MCL 752.861, 752.862, and 752.863a.

(xi) 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 (x).

(i) 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):

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

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

(iii) Section 81134 (operating ORV under the influence), 81135 (operating ORV while visibly impaired), or 82127 (operating a snowmobile under the influence) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, and 324.82127.

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

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

(vi) Section 167 (disorderly person), 174 (embezzlement), 218 (false pretenses with intent to defraud), 356 (larceny), 356d(2) (second degree retail fraud), 359 (larceny from a vacant building or structure), 362 (larceny by conversion), 362a (larceny – defrauding lessor), 377a (malicious destruction of property), 380 (malicious destruction of real property), 535 (receiving or concealing stolen property), or 540e (malicious use of telecommunications service or device) of the Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218, 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380, 750.535, and 750.540e.

(vii) 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 (vi).

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

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

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

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

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

(8) Upon entry of a court order or conviction of 1 of the enumerated prohibitions for using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm in this section the department of state police shall immediately enter the order or conviction into the law enforcement information network. For purposes of this act,



information of the court order or conviction shall not be removed from the law enforcement information network, but may be moved to a separate file intended for the use of the licensing authorities, the courts, and other government entities as necessary and exclusively to determine eligibility to be licensed under this act.

(9) An individual, after submitting an application and paying the fee prescribed under subsection (5), shall request that classifiable fingerprints be taken by the county sheriff or a local police agency if that local police agency maintains fingerprinting capability. If the individual requests that classifiable fingerprints be taken by a local police agency, the individual shall also pay to that local police agency a fee of \$15.00 by any method of payment accepted by the unit of local government for payments of other fees and penalties. The county sheriff or local police agency shall take the fingerprints within 5 business days after the request, and shall provide a receipt to the applicant verifying that the fingerprints have been taken under this subsection. The receipt shall contain a statement that the applicant should retain the receipt for purposes of obtaining a refund under subsection (14). County sheriffs and local police agencies that maintain fingerprinting capability shall provide reasonable access to fingerprinting services during normal business hours as is necessary to comply with the requirements of this act.

(10) The fingerprints shall be taken, under subsection (9), on forms and in a manner prescribed by the department of state police. The fingerprints shall be immediately forwarded to the department of state police for comparison with fingerprints already on file with the department of state police. The department of state police shall immediately forward the fingerprints to the federal bureau of investigation. Within 7 days after receiving a report of the fingerprints from the federal bureau of investigation, the department of state police shall provide a copy to the submitting sheriff's department or local police agency as appropriate and to the appropriate licensing authority. Except as provided in subsection (14), the licensing authority shall not issue a concealed pistol license until it receives the fingerprint comparison report prescribed in this subsection. The licensing authority may deny a license if an individual's fingerprints are not classifiable by the federal bureau of investigation and a report cannot be obtained based on the individual's name, date of birth, and other identifying information.

(11) The licensing authority shall deny a license to an applicant to carry a concealed pistol if the applicant is not qualified under subsection (7) to receive that license.

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

(13) Subject to subsections (10) and (14), the licensing authority shall issue or deny issuance of a license within 45 days after the date the applicant has classifiable fingerprints taken under subsection (9). The licensing authority shall include an exemption indorsement from the prohibitions against carrying a concealed pistol on premises described in section 5o if the applicant requests the exemption indorsement on his or her application form and is eligible for the exemption under section 5o(4)(k). If the licensing authority denies issuance of a license to carry a concealed pistol, or denies an exemption under section 5o(4)(k), the licensing authority shall within 7 days do both of the following:

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

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

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

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

(14) If a license is not granted or denied under subsection (13) within 45 days after the date the applicant has classifiable fingerprints taken under subsection (9), the clerk of the licensing authority shall, within 10 days, issue by mail a temporary license to carry a concealed pistol to the applicant along with a refund of the portion of the application and licensing fee deposited in the concealed pistol licensing fund under subsection (5) from the account credited to the licensing authority within the concealed pistol licensing fund to the extent there are sufficient funds within that account to pay that refund, with any deficit in that balance being paid from the county general fund. If the clerk of the licensing authority fails to issue a temporary license and to refund the licensing authority's portion of the fee within 10 days as provided in this subsection, the clerk shall immediately issue a temporary license to carry a concealed pistol to the applicant and shall refund to the applicant the portion of the application and licensing fee that was credited to the licensing authority account within the concealed pistol licensing fund and the portion that was credited to the account of the clerk of the licensing authority within the concealed pistol licensing fund to the extent that there are sufficient funds within those accounts to pay that refund. Any deficit in either account balance shall be paid from the county general fund. If the licensing authority fails to issue a license on grounds that it has not received the fingerprint comparison report required under subsection (10), the clerk of the licensing authority may require the applicant to show his or her receipt for having those prints taken under subsection (9) before providing a refund under this subsection. The department of state police shall prepare a form for obtaining refunds under this subsection and shall include the form in concealed pistol application kits provided under section 5. A temporary license issued under this section is valid until the expiration of 180 days after the date the temporary license is issued or until the licensing authority issues or denies issuance of a license to carry a concealed pistol as otherwise provided under this act, whichever occurs first. A temporary license issued under this subsection shall state on its face that it is a temporary license. Upon issuance or

the denial of issuance of the license to carry a concealed pistol to an applicant who received a temporary license under this section, the applicant shall immediately surrender the temporary license to the clerk of the licensing authority by mail or in person. The clerk or the licensing authority shall not charge a fee for issuing a license to carry a concealed pistol if the temporary license was surrendered as required under this subsection.

(15) If an individual licensed under this act to carry a concealed pistol moves to a different county within this state, his or her license remains valid until it expires or is otherwise suspended or revoked under this act. A license to carry a concealed pistol that is lost, stolen, or defaced may be replaced by the issuing county clerk for a replacement fee of \$10.00.

(16) If a licensing authority suspends or revokes a license issued under this act, the license is forfeited and shall be returned to the clerk of the licensing authority forthwith. An individual who fails to return a license as required under this subsection after he or she was notified that his or her license was suspended or revoked is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(17) An applicant or an individual licensed under this act to carry a concealed pistol may be furnished a copy of his or her application under this section upon request and the payment of a reasonable fee.

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

(19) An individual who applies for and is granted an exemption from section 5o at the time the individual applies for an original or renewal license under this section shall not be required to pay any additional fee. An individual who holds a valid license and who applies for an exemption from section 5o at a time other than at the time the individual applies for an original or renewal license under this section may be required to pay a fee of not more than \$20.00 for both receiving and processing the application for the exemption and the issuance of a replacement license. The exemption shall appear as an indorsement on the face of the license. The fee collected under this subsection shall be deposited in the concealed pistol licensing fund created under section 5x and divided equally to the accounts of the licensing authority and the clerk of the licensing authority unless the authority to issue the exemption was delegated to the clerk.

(20) A county clerk issuing an initial license, renewal license, temporary license, or replacement license under this act shall mail the license to the licensee by first-class mail in a sealed envelope. However, a county clerk issuing a reinstated license to an individual whose license was suspended shall not mail the reinstated license in the manner described in this subsection, but shall provide the reinstated license to the individual in person only upon the payment of the fee under section 8(7). This subsection does not prohibit a licensing authority or a clerk from issuing a replacement license in person at the time of application for a replacement license or an exemption endorsement, or immediately upon conclusion of a conference between the licensing authority and the applicant during which a license has been approved or reinstated.

(21) A licensing authority or the clerk of a licensing authority is not liable for civil damages as a result of the issuance of a license under this act to an individual who later commits a crime or a negligent act.

(22) As used in this section:

(a) "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) "Felony" means 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.

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

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

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

Sec. 5c. (1) A license to carry a concealed pistol shall be in a form, with the same dimensions as a Michigan operator license, prescribed by the department of state police. Beginning May 1, 2013, the license shall be constructed of plastic laminated paper or hard plastic. No additional fee shall be charged for the license unless otherwise prescribed in this act. A fee not to exceed \$10.00 may be charged for an optional hard plastic license only if the clerk of the licensing authority also provides the option of obtaining a plastic laminated paper license at no charge. The license shall contain all of the following:

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

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

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

(d) An indication of exceptions authorized by this act applicable to the licensee, including whether the individual is exempt from the prohibitions set forth in section 50.

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

(2) Subject to section 50 and except as otherwise provided by law, a license to carry a concealed pistol issued by the licensing authority authorizes the licensee to do all of the following:

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

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

Sec. 5d. (1) If the licensing authority denies issuance of a license to carry a concealed pistol, or fails to issue that license or fails to provide an exemption from the prohibitions set forth in section 50 as provided in this act, the applicant may appeal the denial or the failure to issue the license or to provide an exemption to the circuit court in the judicial circuit in which he or she resides. The appeal of the denial or failure to issue a license or to provide an exemption shall be determined by a review of the record for error, except that if the decision of the licensing authority was based upon grounds specified in section 5b(7)(n) that portion of the appeal shall be by hearing de novo. Witnesses in the hearing shall be sworn. A jury shall not be provided in a hearing under this section.

(2) If the court determines that the denial or failure to issue a license or to provide an exemption was clearly erroneous or was arbitrary and capricious, the court shall order the licensing authority to issue a license or grant an exemption as required by this act.

(3) If the court under subsection (2) determines that the denial or failure to issue a license to an applicant or to provide an exemption was clearly erroneous or was arbitrary and capricious, the court shall order the county in which the licensing authority is located to pay all of the actual costs and actual attorney fees of the applicant in appealing the denial. If the applicant is entitled to a refund of his or her application fee under section 5b(14) or 5l(4), and the refund was not paid, the court shall also order the county to pay the refund to the applicant. All costs, fees, and refunds awarded to the applicant under this subsection shall be paid out of the concealed pistol licensing fund if a sufficient balance exists in that fund, or out of the county general fund if a sufficient balance does not exist in the concealed pistol licensing fund. The court shall make a determination as to the responsibility or proportion of responsibility between the licensing authority and the clerk of the licensing authority for the denial of the license or the failure to issue the license or to provide an exemption when awarding costs, fees, and refunds under this subsection and shall order the award to be paid out of the respective accounts within the concealed pistol licensing fund to the extent that there are sufficient funds within the accounts to pay those awards. Any deficit in either account balance shall be ordered to be paid from the county general fund.

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

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

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

(c) Except as provided in subsection (2), if the individual was denied a license to carry a concealed pistol after July 1, 2001 a statement of the reasons for that denial.

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

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

(2) If an individual who was denied a license to carry a concealed pistol after July 1, 2001 is subsequently issued a license to carry a concealed pistol, the department of state police shall delete from the computerized database the previous reasons for the denial.

(3) The department of state police shall enter the information described in subsection (1)(a) and (b) into the law enforcement information network.

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

(5) The department of state police shall file an annual report with the secretary of the senate and the clerk of the house of representatives setting forth all of the following information for each licensing authority:

(a) The number of concealed pistol applications received.

- (b) The number of concealed pistol licenses issued.
- (c) The number of concealed pistol licenses denied.
- (d) Categories for denial under subdivision (c).
- (e) The number of concealed pistol licenses suspended or revoked.
- (f) Categories for suspension or revocation under subdivision (e).
- (g) The number of applications pending at the time the report is made.

(h) The mean and median amount of time and the longest and shortest amount of time used by the federal bureau of investigation to supply the fingerprint comparison report required in section 5b(10). The department may use a statistically significant sample to comply with this subdivision.

(i) The number of charges of state civil infractions of this act or charges of criminal violations, categorized by offense, filed against individuals licensed to carry a concealed pistol that resulted in a finding of responsibility or a criminal conviction. The report shall indicate the number of crimes in each category of criminal offense that involved the brandishing or use of a pistol, the number that involved the carrying of a pistol by the license holder during the commission of the crime, and the number in which no pistol was carried by the license holder during the commission of the crime. The report shall also indicate the total number of individuals charged and the total number of those individuals found responsible or convicted.

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

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

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

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

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

(o) Actual costs incurred per permit for each county.

Sec. 5f. (1) An individual who is licensed under this act to carry a concealed pistol shall have his or her license to carry that pistol in his or her possession at all times he or she is carrying a concealed pistol or a portable device that uses electro-muscular disruption technology.

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

- (a) His or her license to carry a concealed pistol.
- (b) His or her driver license or Michigan personal identification card.

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

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

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

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

(b) For a subsequent offense within 3 years of a prior offense, by a fine of not more than \$1,000.00 and by the individual's license to carry a concealed pistol being revoked.

(6) If an individual is found responsible for a state civil infraction under this section, the court shall notify the department of state police and the licensing authority that issued the license of that determination.

(7) A pistol or portable device that uses electro-muscular disruption technology carried in violation of this section is subject to immediate seizure by a peace officer. If a peace officer seizes a pistol or portable device that uses electro-muscular disruption technology under this subsection, the individual has 45 days in which to display his or her license or documentation to an authorized employee of the law enforcement entity that employs the peace officer. If the individual displays his or her license or documentation to an authorized employee of the law enforcement entity that employs the peace officer within the 45-day period, the authorized employee of that law enforcement entity shall return the pistol or portable device that uses electro-muscular disruption technology to the individual unless the individual is

prohibited by law from possessing a firearm or portable device that uses electro-muscular disruption technology. If the individual does not display his or her license or documentation within the 45-day period, the pistol or portable device that uses electro-muscular disruption technology is subject to forfeiture as provided in section 5g. A pistol or portable device that uses electro-muscular disruption technology is not subject to immediate seizure under this subsection if both of the following circumstances exist:

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

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

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

Sec. 5j. (1) A pistol training or safety program described in section 5b(7)(c) meets the requirements for knowledge or training in the safe use and handling of a pistol only if the training was provided within 5 years preceding the date of application and consisted of not less than 8 hours of instruction and all of the following conditions are met:

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

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

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

(iii) Pistol shooting positions.

(iv) Firearms and the law, including civil liability issues and the use of deadly force. This portion shall be taught by an attorney or an individual trained in the use of deadly force.

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

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

(b) The program provides at least 3 hours of instruction on a firing range and requires firing at least 30 rounds of ammunition or, for certificates issued on or after May 1, 2013, provides at least 3 hours of instruction on a firing range and requires firing at least 98 rounds of ammunition.

(c) The program provides a certificate of completion that states the program complies with the requirements of this section and that the individual successfully completed the course, and that contains the printed name and signature of the course instructor. The certificate of completion shall contain the statement, "This course complies with section 5j of 1927 PA 372." For certificates issued on or after May 1, 2013, each certificate shall also contain all of the following information which shall be printed on the face of the certificate:

(i) The instructor's name and address, and telephone number if available.

(ii) The name and telephone number of the state agency or a state or national firearms training organization that has certified the individual as an instructor for purposes of this section, his or her instructor certification number, if any, and the expiration date of that certification.

(iii) The name of the course, if applicable, the total number in hours of instruction received, and the number of rounds fired.

(d) The instructor of the course is certified by this state or a state or national firearms training organization to teach the pistol safety training courses described in this section. The licensing authority shall not require any other certification or that the instructor register as an instructor with the county.

(2) A training certificate that does not meet the requirements under state law applicable at the time the certification was issued may otherwise meet the requirements of subsection (1)(c) if the applicant provides information that reasonably demonstrates that the certificate or the training meets the applicable requirements.

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

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

(b) Present a certificate of completion described under subsection (1)(c) to a licensing authority knowing that the individual did not satisfactorily complete the course.

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

(5) A licensing authority shall not require that a specific form, color, wording, or other content appear on a certificate of completion except as otherwise required under this act.

Sec. 5k. (1) Acceptance of a license issued under this act to carry a concealed pistol constitutes implied consent to submit to a chemical analysis under this section. This section also applies to individuals listed in section 12a.

(2) An individual shall not carry a concealed pistol or portable device that uses electro-muscular disruption technology while he or she is under the influence of alcoholic liquor or a controlled substance or while having a bodily alcohol content prohibited under this section. An individual who violates this section is responsible for a state civil infraction or guilty of a crime as follows:

(a) If the person was under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or had a bodily alcohol content of .10 or more grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court shall order the licensing authority to permanently revoke the license. The licensing authority shall permanently revoke the license as ordered by the court.

(b) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or \$100.00, or both. The court may order the licensing authority to suspend the license for not more than 3 years. The licensing authority shall suspend the license as ordered by the court.

(c) If the person had a bodily alcohol content of .02 or more but less than .08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is responsible for a state civil infraction and may be fined not more than \$100.00. The court may order the licensing authority to suspend the license for 1 year. The licensing authority shall suspend the license as ordered by the court. The court shall notify the licensing authority if an individual is found responsible for a subsequent violation of this subdivision.

(3) This section does not prohibit an individual licensed under this act to carry a concealed pistol who has any bodily alcohol content from doing any of the following:

(a) Transporting that pistol in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol.

(b) Transporting that pistol on a vessel if the pistol is transported unloaded in a locked compartment or container that is separated from the ammunition for that pistol.

(c) Transporting a portable device using electro-muscular disruption technology in the locked trunk of his or her motor vehicle or another motor vehicle in which he or she is a passenger, or, if the vehicle does not have a trunk, from transporting that portable device in a locked compartment or container.

(d) Transporting a portable device using electro-muscular disruption technology on a vessel if the portable device is transported in a locked compartment or container.

(4) A peace officer who has probable cause to believe an individual is carrying a concealed pistol or a portable device using electro-muscular disruption technology in violation of this section may require the individual to submit to a chemical analysis of his or her breath, blood, or urine.

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

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

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

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

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

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

(7) If a person refuses to take a chemical test authorized under this section, the peace officer shall promptly report the refusal in writing to the licensing authority.

(8) If a person takes a chemical test authorized under this section and the test results indicate that the individual had any bodily alcohol content while carrying a concealed pistol, the peace officer shall promptly report the violation in writing to the licensing authority.

(9) As used in this section:

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

(b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(c) “Under the influence of alcoholic liquor or a controlled substance” means that the individual’s ability to properly handle a pistol or to exercise clear judgment regarding the use of that pistol was substantially and materially affected by the consumption of alcoholic liquor or a controlled substance.

Sec. 5l. (1) Except as otherwise provided in this subsection, a license to carry a concealed pistol, including a renewal license, is valid until the applicant’s date of birth that falls not less than 4 years or more than 5 years after the license is issued or renewed, as applicable. The clerk of the licensing authority shall notify the licensee that his or her license is about to expire and may be renewed as provided in this section. The notification shall be sent by the clerk to the last known address of the licensee as shown on the records of the licensing authority. The notification shall be sent in a sealed envelope by first-class mail not less than 3 months or more than 6 months before the expiration date of the current license. Except as provided in subsections (7) and (8), a renewal of a license under section 5b shall, except as provided in this section, be issued in the same manner as an original license issued under section 5b. An applicant is eligible for a renewal of a license under this section if his or her license is not expired, or expired within a 5-year period prior to the date of application under this section. A license held by a licensee serving in the United States military that expires while the licensee is on official deployment orders outside of this state or the continental United States is automatically extended until 60 days after the end date of the deployment as provided in the licensee’s deployment orders. A deployed licensee who receives an extension under this subsection shall have his or her deployment orders in his or her possession while carrying a concealed pistol during the 60-day extension period. The 60-day extension provided under this subsection does not apply to a license for a pistol under section 2.

(2) Subject to subsections (7) and (8), an application to renew a license to carry a concealed pistol may be submitted not more than 6 months before the expiration of the current license. If the licensing authority approves the renewal, the effective date of the renewal license is the date of expiration of the current license or the date of approval of the renewal, whichever is later, and the date of expiration is the applicant’s date of birth which is not less than 4 years or more than 5 years from the effective date of the license.

(3) The licensing authority shall issue or deny issuance of a renewal license within 45 days after the date of application for renewal and, if required for renewal, the submission of classifiable fingerprints taken under section 5b(9). The county clerk shall issue the applicant a receipt for his or her renewal application at the time the application is submitted. The receipt shall contain all of the following:

- (a) The name of the applicant.
- (b) The date and time the receipt is issued.
- (c) The amount paid.
- (d) A statement that the receipt is for a license renewal.
- (e) A statement of whether the applicant qualifies for an extension under subsection (4).
- (f) The name of the county in which the receipt is issued.
- (g) An impression of the county seal.

(4) If the licensing authority fails to deny or issue a renewal license to the person within 45 days as required under subsection (3), the expiration date of the current license is extended by 180 days or until the renewal license is issued, whichever occurs first, and the clerk of the licensing authority shall refund the portion of the application and licensing fee deposited in the concealed pistol licensing fund under section 5b(5) to the applicant. The refund shall be paid from the account credited to the licensing authority within the concealed pistol licensing fund to the extent there are sufficient funds within that account to pay the refund with any deficit in that balance being paid from the county general fund. The refund shall be paid within 10 days after the expiration of the 45-day period described in this subsection. If the clerk fails to pay the refund of the portion of the application and licensing fee deposited in the concealed pistol licensing fund under section 5b(5) within the 10-day period, the clerk of the licensing authority shall instead immediately refund to the applicant the portion of the application and licensing fee that was credited to the licensing authority and the portion that was credited to the clerk of the licensing authority within the concealed pistol licensing fund to the extent there are sufficient funds within each account to pay the refund with any deficit in that balance of either account being paid from the county general fund. The department of state police shall prepare a form for obtaining refunds under this subsection and shall include the form in concealed pistol application kits provided under section 5.

(5) A person carrying a concealed pistol after the expiration date of his or her license under an extension under subsection (4) shall keep the receipt issued by the county clerk under subsection (3) and his or her expired license in his or her possession at all times that he or she is carrying the pistol. For the purposes of this act, the receipt is considered to be part of the license to carry a concealed pistol until a renewal license is issued or denied. Failing to have the receipt and expired license in possession while carrying a concealed pistol or failing to display the receipt to a peace officer upon request is a violation of this act.

(6) The educational requirements under section 5b(7)(c) are waived for an applicant who is an active peace officer, including a federal law enforcement officer or agent, a military police officer, a retired police officer including a retired federal law enforcement officer or agent, a retired military police officer, or a retired law enforcement officer. The licensing authority may contact the appropriate agency to verify the standing of the individuals described in this subsection.

(7) The educational requirements under section 5b(7)(c) for an applicant who is applying for a renewal of a license under this act are waived except that the applicant shall certify that he or she has completed at least 3 hours' review of the training described under section 5b(7)(c) and has had at least 1 hour of firing range time in the 6 months immediately preceding the subsequent application. Beginning May 1, 2013, the applicant shall also certify that in the 1 hour or more of firing range time required by this subsection, the applicant fired at least 98 rounds. The educational and firing range requirements of this subsection are met if the applicant certifies on the renewal application form that he or she has complied with the requirements of this subsection. The licensing authority shall not otherwise require verification of the statements made under this subsection and shall not require an applicant to obtain a certificate or undergo training other than as required by this subsection.

(8) An applicant who is applying for a renewal of a license issued under section 5b is not required to have fingerprints taken again under section 5b(9) if all of the following conditions have been met:

(a) There has been established a system for the department of state police to save and maintain in its automated fingerprint identification system (AFIS) database all fingerprints that are submitted to the department of state police under section 5b.

(b) The applicant's fingerprints have been submitted to and maintained by the department of state police as described in subdivision (a) for ongoing comparison with the automated fingerprint identification system (AFIS) database.

Sec. 5m. The department of state police shall promptly notify the licensing authority of the county that issued the license of a criminal charge against a license holder for a felony or specified criminal offense as defined in this act. The department of state police shall promptly notify the licensing authority of the county that issued the license of the disposition of the criminal charge. If a license holder is convicted of a crime, the licensing authority shall request the prosecuting attorney to indicate if the crime involved the brandishing or use of a pistol, if a pistol was carried by the license holder during the commission of the crime, or if no pistol was carried by the license holder during the commission of the crime. The state police shall provide a form for reporting purposes. Each year by a date determined by the director of the department of state police, the licensing authority shall compile and provide a report to the department of state police in a format determined by the director of the department of state police containing the information provided to the licensing authority under this section, section 5f(6), or section 5k(7) or (8).

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

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

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

(c) A sports arena or stadium.

(d) A bar or tavern licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the primary source of income of the business is the sale of alcoholic liquor by the glass and consumed on the premises. This subdivision does not apply to an owner or employee of the business. The Michigan liquor control commission shall develop and make available to holders of licenses under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign stating that "This establishment prohibits patrons from carrying concealed weapons". The owner or operator of an establishment licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, may, but is not required to, post the sign developed under this subdivision. A record made available by an establishment licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce this subdivision is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

(g) A hospital.

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

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



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

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

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

(a) An individual licensed under this act who is a peace officer, including a federal law enforcement officer or agent, or a military police officer, if he or she is in possession of a valid official identification that identifies him or her as such, or a retired peace officer, including a retired federal law enforcement officer or agent, or a retired military police officer, if he or she retired in good standing. The licensing authority may contact the appropriate agency to verify the standing of the individuals described in this subdivision.

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

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

(d) An individual who is licensed under this act and who is a corrections officer of a county sheriff’s department or who is licensed under this act and is a retired corrections officer of a county sheriff’s department. The licensing authority may contact the sheriff’s department to verify that the retired corrections officer retired in good standing.

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

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

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

(h) An individual who is licensed under this act and who is a parole, probation, or corrections officer or absconder recovery unit member of the department of corrections or who is licensed under this act and is a retired parole, probation, or corrections officer or absconder recovery unit member of the department of corrections. The licensing authority may contact the department of corrections to verify that the retired parole, probation, or corrections officer or absconder recovery unit member retired in good standing.

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

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

(k) An individual who applies for and is granted an exemption from this section by the licensing authority. An individual is eligible for an exemption from this section only if the individual requests an exemption on his or her license application and 1 or more of the following apply:

(i) Except as provided in subsection (6), the individual is a licensee or is applying for an initial or renewal license or an exemption under this subdivision who provides a certificate indicating on its face that the individual has completed not less than 8 hours of training in addition to the training required under sections 5b(7)(c) and 5j that satisfies all of the following conditions:

(A) It includes both classroom and range time.

(B) It includes the firing of not fewer than an additional 94 rounds.

(C) It focuses on the training principles described in section 5b(7)(c) as they apply to public places and premises listed in subsection (1) as limited under subsection (4).

(D) It is provided by an agency of this state or by a national or state firearms training organization.

(E) The training instructor is certified as a firearms instructor by this state or by a national or state firearms training organization and is eligible under section 5j to provide training under section 5b(7)(c).

(F) The training is completed not more than 5 years immediately preceding the date of application for an original or renewal license or an exemption under this subdivision.

(ii) The individual is certified as a firearms instructor by this state or by a national or state firearms training organization, and is eligible under section 5j to provide training under section 5b(7)(c). It is prima facie evidence that the individual is eligible for an exemption under this subparagraph if the individual possesses a certificate as a firearms instructor issued by this state or by a national or state firearms training organization that meets the requirements of section 5j.

(6) If an individual was granted an exemption from this section and the individual is applying for a renewal license with an exception, the educational requirements under subsection (5)(k)(i) are waived except that the applicant shall certify that he or she has completed at least 3 hours of review of the training required under subsection (5)(k)(i). For an individual who is a firearms instructor eligible to provide training under section 5b(7)(c), the educational requirements

under subsection (5)(k)(i) are waived except that the applicant shall certify that he or she has completed at least 3 hours of review of the training required to become a firearms instructor under section 5b(7)(c). The educational requirements of this subsection are met if the applicant certifies on the renewal application form that he or she has complied with the requirements of this subsection. The licensing authority shall not otherwise require verification of the statements made under this subsection and shall not require an applicant to obtain a certificate or undergo training other than as required by this subsection.

(7) The licensing authority may delegate the responsibility for issuing or denying issuance of an exemption under subsection (5)(k) to the clerk of the licensing authority for current licensees only.

(8) The licensing authority or the clerk under subsection (7), as applicable, shall within 10 days after receiving an application for an exemption, either issue or deny issuance of the exemption and send by first-class mail in a sealed envelope a replacement license to the applicant with the exemption indorsement or, if the exemption is denied, a notice of denial. If the exemption is denied, the notice of denial shall specifically state the statutory authority for the denial. Nothing in this subsection prohibits the licensing authority or the clerk, as applicable, from making a determination regarding the exemption at the time the application is submitted and immediately either issuing a replacement license to the applicant that contains the exemption indorsement or denying the exemption and immediately providing the written notice of the denial, including the statement of the statutory authority for the denial, to the applicant.

(9) If the licensing authority delegates the responsibility for issuing or denying issuance of an exemption under section 50 to the clerk of the licensing authority, the entire fee paid for the exemption and the replacement license shall be deposited in the concealed pistol licensing fund and credited to the account established for the clerk of the licensing authority.

(10) If the applicant is licensed under this act to carry a concealed pistol at the time he or she is granted an exemption under section 50, the applicant shall surrender his or her license to the licensing authority by mail or in person immediately upon receiving his or her replacement license containing the exemption indorsement.

(11) Nothing in this section prohibits a private property owner from prohibiting an individual from carrying a pistol, including a pistol that is openly displayed or carried in violation of subsection (13), on the premises of property described in subsection (1), and enforcing that prohibition under section 552 of the Michigan penal code, 1931 PA 328, MCL 750.552.

(12) Nothing in this section prohibits a college or university that has the autonomous authority under the state constitution of 1963 to enact and enforce an ordinance regulating the possession, carrying, use, or transportation of a pistol from enacting or enforcing such an ordinance.

(13) An individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(1)(h), shall not intentionally display or openly carry a pistol on the premises listed in subsection (1)(a) to (h) unless the individual owns the premises described in subsection (1) or is employed or contracted by the owner or other person with control over the premises described in subsection (1), if the possession of the firearm is to provide security services for the premises or is otherwise in the scope of the individual's official duties, or the individual is acting with the express written consent of the owner of the premises or an agent of the owner of the premises. This subsection applies beginning May 1, 2013.

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

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

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

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

Sec. 5x. (1) Each county shall establish a concealed pistol licensing fund for the deposit of fees collected under this act. The county treasurer shall direct investment of the concealed pistol licensing fund and shall credit to the fund interest and earnings from fund investments.

(2) Money credited to the county concealed pistol licensing fund shall be expended in compliance with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, subject to an appropriation by the county board of commissioners unless otherwise provided in this act. However, refunds under this act are not subject to appropriation by the county board of commissioners and shall be paid regardless of an appropriation by the county board of commissioners. Expenditures from the county concealed pistol licensing fund shall be used by the county clerk as clerk of the licensing authority and by the licensing authority from each of their respective accounts within the fund only for the cost of administering this act. Allowable expenditures include, but are not limited to, paying refunds required under this act and for any of the following costs of the licensing authority or of the county clerk or clerk of the licensing authority:

(a) Staffing requirements.

- (b) Technology upgrades, including technology to take fingerprints by electronic means.
- (c) Office supplies.
- (d) Document storage and retrieval systems and system upgrades.

Sec. 8. (1) The licensing authority may suspend or revoke a license as permitted under this act if the licensing authority determines that the individual committed any violation of this act other than a violation of section 5f(4). If the licensing authority determines that the individual has been found responsible for 3 or more state civil infraction violations of this act during the license period, the licensing authority shall conduct a hearing and may suspend the individual's license for not more than 1 year.

(2) Except as provided in subsections (3), (4), and (5), a license shall not be suspended or revoked under this section except upon written complaint and an opportunity for a hearing between the licensee and the licensing authority. The licensing authority shall give the individual at least 10 days' notice of a hearing under this section. The notice shall be by personal service by the licensing authority or by first-class mail in a sealed envelope sent by the clerk of the licensing authority to the individual's last known address.

(3) If the licensing authority is notified by a law enforcement agency or prosecuting official that an individual licensed to carry a concealed pistol is charged with a felony or misdemeanor as defined in this act, the licensing authority shall immediately suspend the individual's license until there is a final disposition of the charge for that offense and the clerk of the licensing authority shall send notice by first-class mail in a sealed envelope of that suspension to the individual's last known address as indicated in the records of the licensing authority. The notice shall inform the individual that he or she is entitled to a prompt hearing on the suspension, and the licensing authority shall conduct a prompt hearing between the licensee and the licensing authority if requested in writing by the individual. Except as provided in subsection (6), the requirements of subsection (2) do not apply to this subsection.

(4) The licensing authority shall revoke that license if the licensing authority determines that the individual is not eligible under this act to receive a license to carry a concealed pistol. The clerk of the licensing authority shall immediately send notice of the fact of and the reason for the revocation under this subsection in a sealed envelope to the individual's last known address as indicated on the records of the licensing authority. Except as provided in subsection (6), the requirements of subsection (2) do not apply to this subsection.

(5) If the licensing authority determines by clear and convincing evidence based on specific articulable facts that the applicant poses a danger to the applicant or to any other person, the licensing authority shall immediately suspend the individual's license pending a suspension or revocation hearing under this section. The clerk of the licensing authority shall send notice of the suspension to the individual's last known address as indicated in the records of the licensing authority. The notice shall inform the individual that he or she is entitled to a prompt hearing on the suspension, and the licensing authority shall conduct a prompt hearing if requested in writing by the individual. Except as provided in subsection (6), the requirements of subsection (2) do not apply to this subsection.

(6) A hearing under this section shall be closed to the public upon the request of the individual. The individual is entitled to be represented by legal counsel during the hearing and to present relevant evidence, including the testimony of witnesses, in his or her behalf. If a suspension is imposed under this section, the suspension shall be for a period stated in years, months, or days, as applicable, or until a specific date. The licensee shall promptly surrender his or her license to the clerk of the licensing authority after being notified that his or her license has been revoked or suspended.

(7) If a licensing authority ordered a license suspended under this section and that license was surrendered by the licensee, the licensing authority shall, upon the expiration of the suspension period, automatically reinstate the license if the license was suspended as required under subsection (5), is not expired, and the individual is otherwise qualified to receive a license under this act to carry a concealed pistol. The clerk of the licensing authority shall notify the individual by first-class mail in a sealed envelope sent to the individual's last known address as shown by the records of the licensing authority that his or her license has been reinstated. The notice shall be sent within 7 days after the license is reinstated by the licensing authority. A licensing authority may charge a fee of not more than \$20.00 for the reinstatement of a revoked or suspended license. The clerk shall collect any reinstatement fee paid under this subsection for deposit in the concealed pistol licensing fund, divided equally between the account of the licensing authority and the clerk.

(8) If the licensing authority orders a license suspended, revoked, or reinstated under this section or amends a suspension, revocation, or reinstatement order, the licensing authority shall immediately notify a law enforcement agency having jurisdiction in the county in which the licensing authority is located to enter the order or amended order into the law enforcement information network. A law enforcement agency that receives notice of an order or amended order under this subsection from a licensing authority shall immediately enter the order or amended order into the law enforcement information network as requested by that licensing authority.

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

(10) If an individual is carrying a pistol in violation of a suspension or revocation order or amended order issued under this section but has not previously received notice of the order or amended order, the individual shall be informed of the order or amended order and be given an opportunity to properly store the pistol or otherwise comply with the order or amended order before an arrest is made for carrying the pistol in violation of this act.

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

(12) The clerk of the licensing authority is authorized to administer an oath to any individual testifying before the licensing authority at a hearing under this section.

Enacting section 1. Section 6a of 1927 PA 372, MCL 28.426a, is repealed.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor