

# SENATE BILL No. 59

January 25, 2011, Introduced by Senators GREEN, CASPERSON, PAVLOV, ROBERTSON and MOOLENAAR and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

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

by amending sections 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, 6a, and 8 (MCL 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, 28.426a, and 28.428), section 2a as amended by 2010 PA 210, section 4 as added by 1992 PA 219, sections 5, 5a, 5e, 5k, and 5m as added by 2000 PA 381, sections 5b, 5l, and 8 as

amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, section 5f as amended by 2008 PA 194, section 5j as amended by 2004 PA 254, section 5o as amended by 2008 PA 407, and section 6a as amended by 1991 PA 34, and by adding section 5x.

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

1           Sec. 2a. (1) An individual who is licensed under section 5b to  
2 carry a concealed pistol or who is a federally licensed firearms  
3 dealer is not required to obtain a license under section 2 to  
4 purchase, carry, possess, or transport a pistol.

5           (2) If an individual licensed under section 5b or a federally  
6 licensed firearms dealer purchases or otherwise acquires a pistol,  
7 the seller shall complete a record in quadruplicate on a form  
8 provided by the department of state police. The record shall  
9 include the purchaser's concealed weapon license number or, if the  
10 purchaser is a federally licensed firearms dealer, his or her  
11 dealer license number. The purchaser shall sign the record. The  
12 seller may retain 1 copy of the record. The purchaser shall receive  
13 3 copies of the record and forward 2 copies to the police  
14 department of the city, village, or township in which the purchaser  
15 resides, or, if the purchaser does not reside in a city, village,  
16 or township having a police department, to the county sheriff,  
17 within 10 days following the purchase or acquisition. The return of  
18 the copies to the police department or county sheriff may be made  
19 in person or may be made by first-class mail or certified mail sent  
20 within the 10-day period to the proper address of the police  
21 department or county sheriff. A purchaser who fails to comply with  
22 the requirements of this subsection is responsible for a state

1 civil infraction and may be fined not more than \$250.00. If a  
2 purchaser is found responsible for a state civil infraction under  
3 this subsection, the court shall notify the department of state  
4 police. If the purchaser is licensed under section 5b, the court  
5 shall notify the concealed weapon licensing board that issued the  
6 license **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** of  
7 that determination.

8 (3) Within 48 hours after receiving the record copies returned  
9 under subsection (2), the police department or county sheriff shall  
10 forward 1 copy of the record to the department of state police. The  
11 police department or county sheriff shall retain the other copy of  
12 the record as an official record for not less than 6 years. Within  
13 10 days after receiving the record copies returned under subsection  
14 (2), the police department or county sheriff shall electronically  
15 enter the information into the pistol entry database as required by  
16 the department of state police if it has the ability to  
17 electronically enter that information. If the police department or  
18 county sheriff does not have that ability, the police department or  
19 county sheriff shall provide that information to the department of  
20 state police in a manner otherwise required by the department of  
21 state police. Any police department or county sheriff that provided  
22 pistol descriptions to the department of state police under former  
23 section 9 of this act shall continue to provide pistol descriptions  
24 to the department of state police under this subsection. The  
25 purchaser has the right to obtain a copy of the information placed  
26 in the pistol entry database under this subsection to verify the  
27 accuracy of that information. The police department or county

1 sheriff may charge a fee not to exceed \$1.00 for the cost of  
2 providing the copy. The purchaser may carry, use, possess, and  
3 transport the pistol for 30 days beginning on the date of purchase  
4 or acquisition only while he or she is in possession of his or her  
5 copy of the record. However, the person is not required to have the  
6 record in his or her possession while carrying, using, possessing,  
7 or transporting the pistol after this period.

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

10 (5) An individual who makes a material false statement on a  
11 sales record under this section is guilty of a felony punishable by  
12 imprisonment for not more than 4 years or a fine of not more than  
13 \$2,500.00, or both.

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

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

19 Sec. 4. (1) A person who is prohibited from possessing, using,  
20 transporting, selling, purchasing, carrying, shipping, receiving,  
21 or distributing a firearm under section 224f(2) of the Michigan  
22 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~  
23 ~~750.224f of the Michigan Compiled Laws 1931 PA 328, MCL 750.224F,~~  
24 may, **THROUGH DECEMBER 31, 2011**, apply to the concealed weapons  
25 **WEAPON** licensing board in the county in which he or she resides **OR,**  
26 **BEGINNING JANUARY 1, 2012, APPLY TO THE SECRETARY OF STATE** for  
27 restoration of those rights.

1           (2) Not more than 1 application may be submitted under  
2 subsection (1) in any calendar year. The concealed ~~weapons~~**WEAPON**  
3 licensing board **OR THE SECRETARY OF STATE** may charge a fee of not  
4 more than \$10.00 for the actual and necessary expenses of each  
5 application.

6           (3) ~~The~~**THROUGH DECEMBER 31, 2011, THE** concealed ~~weapons~~  
7 **WEAPON** licensing board **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY**  
8 **OF STATE** shall, by written order, ~~of the board,~~ restore the rights  
9 of a person to possess, use, transport, sell, purchase, carry,  
10 ship, receive, or distribute a firearm if the board **OR THE**  
11 **SECRETARY OF STATE** determines, by clear and convincing evidence,  
12 that all of the following circumstances exist:

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

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

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

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

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

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

27           (4) If the concealed ~~weapons~~**WEAPON** licensing board pursuant

1 ~~to~~ **OR THE SECRETARY OF STATE UNDER** subsection (3) refuses to  
2 restore a right under this section, the person may petition the  
3 circuit court for review of that decision.

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

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

11       (b) The fingerprint ~~cards~~ **FORMS** required under section ~~5b(11)~~  
12 **5B(10)**.

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

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

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

22       (3) An individual who is denied an application kit under this  
23 section and obtains an order of mandamus directing the concealed  
24 weapon licensing board **OR THE SECRETARY OF STATE** to provide him or  
25 her with the application kit shall be awarded his or her actual and  
26 reasonable costs and attorney fees for obtaining the order.

27       (4) The department of state police shall provide the

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

5 Sec. 5a. (1) ~~Each~~**THROUGH DECEMBER 31, 2011, EACH** county shall  
6 have a concealed weapon licensing board. The concealed weapon  
7 licensing board of each county shall have the following members:

8 (a) The county prosecuting attorney or his or her designee.  
9 However, if the county prosecuting attorney decides that he or she  
10 does not want to be a member of the concealed weapon licensing  
11 board, he or she shall notify the county board of commissioners in  
12 writing that he or she does not want to be a member of the  
13 concealed weapon licensing board for the balance of his or her term  
14 in office. The county board of commissioners shall then appoint a  
15 replacement for the prosecuting attorney who is a firearms  
16 instructor who has the qualifications prescribed in section  
17 ~~5j(1)(e)~~**5J(1)(D)**. The person who replaces the prosecuting attorney  
18 shall serve on the concealed weapon licensing board in place of the  
19 prosecuting attorney for the remaining term of the county  
20 prosecuting attorney unless removed for cause by the county board  
21 of commissioners. If a vacancy occurs on the concealed weapon  
22 licensing board of the person appointed pursuant to this section  
23 during the term of office of the county prosecuting attorney, the  
24 county board of commissioners shall appoint a replacement person  
25 who is a firearms instructor who has the qualifications prescribed  
26 in section ~~5j(1)(e)~~**5J(1)(D)**.

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

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

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

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

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

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

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

24 (4) The county clerk shall serve as the clerk of the concealed  
25 weapon licensing board.

26 (5) Except as otherwise provided in this act, **THROUGH DECEMBER**  
27 **31, 2011**, the concealed weapon licensing board **AND, BEGINNING**



1 **JANUARY 1, 2012, THE SECRETARY OF STATE** has exclusive authority to  
2 issue, deny, revoke, or suspend a license to carry a concealed  
3 pistol. The concealed weapon licensing board **OR THE SECRETARY OF**  
4 **STATE** shall perform other duties as provided by law.

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

10 (7) ~~The~~ **THROUGH DECEMBER 31, 2011, THE** concealed weapon  
11 licensing board **AND, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**  
12 **STATE** may investigate the applicant for a license to carry a  
13 concealed pistol. The investigation shall be restricted to  
14 determining only whether the applicant is eligible under this act  
15 to receive a license to carry a concealed pistol, and the  
16 investigation regarding the issuance of a license shall end after  
17 that determination is made. The concealed weapon licensing board **OR**  
18 **THE SECRETARY OF STATE** may require the applicant to appear ~~before~~  
19 ~~the board~~ at a mutually agreed-upon time for a conference. The  
20 applicant's failure or refusal to appear without valid reason  
21 before the concealed weapon licensing board **OR THE SECRETARY OF**  
22 **STATE** as provided in this subsection is grounds for the board **OR**  
23 **THE SECRETARY OF STATE** to deny issuance of a license to carry a  
24 concealed pistol to that applicant.

25 (8) ~~If~~ **THROUGH DECEMBER 31, 2011, IF** the concealed weapon  
26 licensing board **OR, BEGINNING JANUARY 1, 2012, IF THE SECRETARY OF**  
27 **STATE** determines **THAT** there is probable cause to believe **THAT** the

1 safety of the applicant or the safety of a member of the  
2 applicant's family is endangered by the applicant's inability to  
3 immediately obtain a license to carry a concealed pistol, the  
4 concealed weapon licensing board **OR THE SECRETARY OF STATE** may,  
5 pending issuance of a license, issue a temporary license to the  
6 individual to carry a concealed pistol. A temporary license shall  
7 be on a form provided by the department of state police. A  
8 temporary license shall be unrestricted and shall be valid for not  
9 more than 180 days. A temporary license may be renewed for 1  
10 additional period of not more than 180 days. A temporary license  
11 is, for all other purposes of this act, a license to carry a  
12 concealed pistol.

13 (9) The legislative service bureau shall compile the firearms  
14 laws of this state, including laws that apply to carrying a  
15 concealed pistol, and shall provide copies of the compilation to  
16 each concealed weapon licensing board in this state, **THROUGH**  
17 **DECEMBER 31, 2011, AND, BEGINNING JANUARY 1, 2012, TO THE SECRETARY**  
18 **OF STATE**, for distribution under this subsection. A concealed  
19 weapon licensing board **OR THE SECRETARY OF STATE** shall distribute a  
20 copy of the compilation to each individual who applies for a  
21 license to carry a concealed pistol at the time the application is  
22 submitted. The concealed weapon licensing board **OR THE SECRETARY OF**  
23 **STATE** shall require the applicant to sign a written statement  
24 acknowledging that he or she has received a copy of the  
25 compilation. An individual is not eligible to receive a license to  
26 carry a concealed pistol until he or she has signed the statement.

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

1 an individual shall apply, **THROUGH DECEMBER 31, 2011**, to the  
2 concealed weapon licensing board in the county in which that  
3 individual resides **OR, BEGINNING JANUARY 1, 2012, TO THE SECRETARY**  
4 **OF STATE**. The application shall be filed with the county clerk  
5 **THROUGH DECEMBER 31, 2011, AND WITH THE SECRETARY OF STATE**  
6 **BEGINNING JANUARY 1, 2012**, during the county clerk's **OR SECRETARY**  
7 **OF STATE'S** normal business hours. The application shall be on a  
8 form provided by the director of the department of state police and  
9 shall allow the applicant to designate whether the applicant seeks  
10 a temporary license. The application shall be signed under oath by  
11 the applicant. The oath shall be administered by the county clerk  
12 **OR THE SECRETARY OF STATE** or his or her representative. The  
13 application shall contain all of the following information:

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

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

24 (c) A statement by the applicant authorizing the concealed  
25 weapon licensing board **OR THE SECRETARY OF STATE** to access any  
26 record, including any medical record, pertaining to the applicant's  
27 qualifications for a license to carry a concealed pistol under this

1 act. The applicant may request that information received by the  
2 concealed weapon licensing board **OR THE SECRETARY OF STATE** under  
3 this subdivision be reviewed in a closed session. If the applicant  
4 requests that the session be closed, the concealed weapon licensing  
5 board **OR THE SECRETARY OF STATE** shall close the session only for  
6 purposes of this subdivision. The applicant and his or her  
7 representative have the right to be present in the closed session.  
8 Medical records and personal identifying information received by  
9 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
10 under this subdivision is confidential, is not subject to  
11 disclosure under the freedom of information act, 1976 PA 442, MCL  
12 15.231 to 15.246, and shall not be disclosed to any person except  
13 for purposes of this act or for law enforcement purposes or if the  
14 applicant is convicted of a felony involving a pistol.

15 (d) A statement by the applicant regarding whether he or she  
16 has a history of mental illness that would disqualify him or her  
17 under subsection (7)(j) to (l) from receiving a license to carry a  
18 concealed pistol, and authorizing the concealed weapon licensing  
19 board **OR THE SECRETARY OF STATE** to access the mental health records  
20 of the applicant relating to his or her mental health history. The  
21 applicant may request that information received by the concealed  
22 weapon licensing board **OR THE SECRETARY OF STATE** under this  
23 subdivision be reviewed in a closed session. If the applicant  
24 requests that the session be closed, the concealed weapon licensing  
25 board **OR THE SECRETARY OF STATE** shall close the session only for  
26 purposes of this subdivision. The applicant and his or her  
27 representative have the right to be present in the closed session.

1 Medical records and personal identifying information received by  
2 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
3 under this subdivision is confidential, is not subject to  
4 disclosure under the freedom of information act, 1976 PA 442, MCL  
5 15.231 to 15.246, and shall not be disclosed to any person except  
6 for purposes of this act or for law enforcement purposes.

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

10 (i) Any felony.

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

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

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

18 (h) The names, residential addresses, and telephone numbers of  
19 2 individuals who are references for the applicant. Information  
20 received under this subdivision is confidential, is not subject to  
21 disclosure under the freedom of information act, 1976 PA 442, MCL  
22 15.231 to 15.246, and shall not be disclosed to any person except  
23 for purposes of this act or for law enforcement purposes.

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

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

1           (2) The application form shall contain a conspicuous warning  
2 that the application is executed under oath and that intentionally  
3 making a material false statement on the application is a felony  
4 punishable by imprisonment for not more than 4 years or a fine of  
5 not more than \$2,500.00, or both.

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

10           (4) The concealed weapon licensing board **OR THE SECRETARY OF**  
11 **STATE** shall retain a copy of each application for a license to  
12 carry a concealed pistol as an official record. One year after the  
13 expiration of a concealed pistol license, the county clerk **OR THE**  
14 **SECRETARY OF STATE** may destroy the record and maintain only a name  
15 index of the record.

16           (5) Each applicant shall pay a nonrefundable fee of \$105.00 by  
17 any method of payment accepted by that county **OR BY THE SECRETARY**  
18 **OF STATE** for payments of other fees and penalties. Except for a  
19 local police agency as provided in subsection (9), a unit of local  
20 government, an agency of a unit of local government, or an agency  
21 or department of this state shall not charge an additional fee,  
22 assessment, or other amount in connection with a license under this  
23 section. ~~The~~ **UNTIL DECEMBER 31, 2011, THE** fee shall be payable to  
24 the county. The county treasurer shall deposit \$41.00 of each fee  
25 collected **BY THE COUNTY** under this section in the general fund of  
26 the county and credit \$26.00 of that deposit to the credit of the  
27 county clerk and \$15.00 of that deposit to the credit of the county

1 sheriff and forward the balance to the state treasurer. The state  
2 treasurer shall deposit the balance of the fee **COLLECTED BY THE**  
3 **COUNTY** in the general fund to the credit of the department of state  
4 police. ~~The department of state police shall use the money received~~  
5 ~~under this act to process the fingerprints and to reimburse the~~  
6 ~~federal bureau of investigation for the costs associated with~~  
7 ~~processing fingerprints submitted under this act. The UNTIL~~  
8 **DECEMBER 31, 2011, THE** balance of the money received under this act  
9 shall be credited to the department of state police. **BEGINNING**  
10 **JANUARY 1, 2012, THE FEE SHALL BE PAYABLE TO THE STATE. THE STATE**  
11 **TREASURER SHALL DEPOSIT THE FEE IN THE GENERAL FUND. OF THAT**  
12 **AMOUNT, \$15.00 SHALL BE CREDITED TO THE DEPARTMENT OF STATE POLICE.**  
13 **THE DEPARTMENT OF STATE POLICE SHALL USE THE MONEY RECEIVED UNDER**  
14 **THIS ACT TO PROCESS THE FINGERPRINTS AND TO REIMBURSE THE FEDERAL**  
15 **BUREAU OF INVESTIGATION FOR THE COSTS ASSOCIATED WITH PROCESSING**  
16 **FINGERPRINTS SUBMITTED UNDER THIS ACT.**

17 (6) ~~The~~ **THROUGH DECEMBER 31, 2011, THE** county sheriff on  
18 behalf of the concealed weapon licensing board **OR, BEGINNING**  
19 **JANUARY 1, 2012, THE DEPARTMENT OF STATE POLICE ON BEHALF OF THE**  
20 **SECRETARY OF STATE** shall verify the requirements of subsection  
21 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the law  
22 enforcement information network and report his or her **OR ITS**  
23 finding to the concealed weapon licensing board **OR TO THE SECRETARY**  
24 **OF STATE, AS APPLICABLE.** If the applicant resides in a city,  
25 village, or township that has a police department, the concealed  
26 weapon licensing board, **THROUGH DECEMBER 31, 2011, OR, BEGINNING**  
27 **JANUARY 1, 2012, THE SECRETARY OF STATE** shall contact that city,

1 village, or township police department to determine only whether  
2 that city, village, or township police department has any  
3 information relevant to the investigation of whether the applicant  
4 is eligible under this act to receive a license to carry a  
5 concealed pistol. The concealed weapon licensing board **OR THE**  
6 **SECRETARY OF STATE** may require a person claiming active duty status  
7 with the United States armed forces under this section to provide  
8 proof of 1 or both of the following:

9 (a) The person's home of record.

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

11 (7) The concealed weapon licensing board **OR THE SECRETARY OF**  
12 **STATE** shall issue a license to an applicant to carry a concealed  
13 pistol within the period required under this act after the  
14 applicant properly submits an application under subsection (1) and  
15 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
16 determines that all of the following circumstances exist:

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

18 (b) The applicant is a citizen of the United States or is an  
19 alien lawfully admitted into the United States, is a legal resident  
20 of this state, and has resided in this state for not less than the  
21 6 months immediately preceding the date of application. The  
22 concealed weapon licensing board **OR THE SECRETARY OF STATE** may  
23 waive the 6-month residency requirement for a temporary license  
24 under section 5a(8) if the concealed weapon licensing board **OR THE**  
25 **SECRETARY OF STATE** determines **THAT** there is probable cause to  
26 believe **THAT** the safety of the applicant or the safety of a member  
27 of the applicant's family is endangered by the applicant's



1 inability to immediately obtain a license to carry a concealed  
2 pistol. If the applicant holds a valid concealed pistol license  
3 issued by another state at the time the applicant's residency in  
4 this state is established, the concealed weapon licensing board **OR**  
5 **THE SECRETARY OF STATE** may waive the 6-month waiting period and the  
6 applicant may apply for a concealed pistol license at the time the  
7 applicant's residency in this state is established. The concealed  
8 weapon licensing board **OR THE SECRETARY OF STATE** shall immediately  
9 issue a temporary license to that applicant. The temporary license  
10 shall be valid until the concealed weapon licensing board **OR THE**  
11 **SECRETARY OF STATE** decides whether to grant or deny the  
12 application. For the purposes of this section, a person shall be  
13 considered a legal resident of this state if any of the following  
14 apply:

15 (i) The person has a valid, lawfully obtained Michigan driver  
16 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
17 257.1 to 257.923, or official state personal identification card  
18 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

26 (c) The applicant has knowledge and has had training in the  
27 safe use and handling of a pistol by the successful completion of a

1 pistol safety training course or class that meets the requirements  
2 of section 5j, and that is available to the general public and  
3 presented by a law enforcement agency, junior or community college,  
4 college, or public or private institution or organization or  
5 firearms training school.

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

8 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
9 330.1464a.

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

12 (iii) Sections 2950 and 2950a of the revised judicature act of  
13 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

14 (iv) Section 6b of chapter V of the code of criminal procedure,  
15 1927 PA 175, MCL 765.6b, if the order has a condition imposed  
16 ~~pursuant to section 6b(3) of chapter V of the code of criminal~~  
17 ~~procedure, 1927 PA 175, MCL 765.6b~~ **UNDER SUBSECTION (3) OF THAT**  
18 **SECTION.**

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

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

25 (f) The applicant has never been convicted of a felony in this  
26 state or elsewhere, and a felony charge against the applicant is  
27 not pending in this state or elsewhere at the time he or she

1 applies for a license described in this section.

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

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

7 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL  
8 257.617a (failing to stop when involved in a personal injury  
9 accident).

10 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
11 257.625, punishable as provided in subsection (9)(b) of that  
12 section (operating while intoxicated, second offense **WITHIN 7**  
13 **YEARS**).

14 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,  
15 MCL 257.625m punishable under subsection (4) of that section  
16 (operating a commercial vehicle with alcohol content, second  
17 offense **WITHIN 7 YEARS**).

18 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL  
19 257.626 (reckless driving).

20 (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,  
21 MCL 257.904, ~~(operating while license suspended or revoked),~~  
22 punishable as ~~a second or subsequent offense~~ **UNDER SUBSECTION**  
23 **(3)(B) OF THAT SECTION (OPERATING WHILE LICENSE SUSPENDED OR**  
24 **REVOKED WITH PRIOR CONVICTION)**.

25 (vi) Section 185 of the aeronautics code of the state of  
26 Michigan, 1945 PA 327, MCL 259.185, **PUNISHABLE UNDER SUBSECTION (7)**  
27 **OF THAT SECTION** (operating aircraft while under the influence of

1 intoxicating liquor or a controlled substance with prior  
2 conviction).

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

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

9 (ix) Section 81134 of the natural resources and environmental  
10 protection act, 1994 PA 451, MCL 324.81134, punishable under  
11 subsection (5) or (6) of that section (operating ORV under the  
12 influence of intoxicating liquor or a controlled substance, second  
13 or subsequent offense).

14 (x) Section 82127 of the natural resources and environmental  
15 protection act, 1994 PA 451, MCL 324.82127, ~~(operating a snowmobile  
16 under the influence of intoxicating liquor or a controlled  
17 substance)~~, punishable as a second or subsequent offense under  
18 section 82128(1)(b) or (c) of the natural resources and  
19 environmental protection act, 1994 PA 451, MCL 324.82128 **(OPERATING  
20 A SNOWMOBILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A  
21 CONTROLLED SUBSTANCE, SECOND OFFENSE)**.

22 (xi) Section 80176 of the natural resources and environmental  
23 protection act, 1994 PA 451, MCL 324.80176, and punishable under  
24 section 80177(1)(b) (operating vessel under the influence of  
25 intoxicating liquor or a controlled substance, second ~~or subsequent~~  
26 offense **WITHIN 7 YEARS**).

27 (xii) Section 7403 of the public health code, 1978 PA 368, MCL

1 333.7403.

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

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

8 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL  
9 750.81 (assault or domestic assault).

10 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA  
11 328, MCL 750.81a (aggravated assault or aggravated domestic  
12 assault).

13 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL  
14 750.115 (breaking and entering or entering without breaking).

15 (xviii) Section ~~136b(6)~~**136B(7)** of the Michigan penal code, 1931  
16 PA 328, MCL 750.136b (fourth degree child abuse).

17 (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL  
18 750.145a (accosting, enticing, or soliciting a child for immoral  
19 purposes).

20 (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL  
21 750.145n (vulnerable adult abuse).

22 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA  
23 328, MCL 750.157b (solicitation to commit a felony).

24 (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL  
25 750.215 (impersonating peace officer or medical examiner).

26 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL  
27 750.223 (illegal sale of a firearm or ammunition).

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

3           (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL  
4 750.226a (sale or possession of a switchblade).

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

7           (xxvii) ~~Section~~ **FORMER SECTION** 228 of the Michigan penal code,  
8 1931 PA 328, ~~MCL 750.228~~ (failure to have a pistol inspected).

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

11           (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL  
12 750.232 (failure to register the purchase of a firearm or a firearm  
13 component).

14           (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL  
15 750.232a (improperly obtaining a pistol, making a false statement  
16 on an application to purchase a pistol, or using false  
17 identification to purchase a pistol).

18           (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL  
19 750.233 (intentionally aiming a firearm without malice).

20           (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL  
21 750.234 (intentionally discharging a firearm aimed without malice).

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

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

26           (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,  
27 MCL 750.234f (possession of a firearm by an individual less than 18

1 years of age).

2 (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL  
3 750.235 (intentionally discharging a firearm aimed without malice  
4 causing injury).

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

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

10 (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL  
11 750.237 (possessing a firearm while under the influence of  
12 intoxicating liquor or a ~~drug~~ **CONTROLLED SUBSTANCE**).

13 (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL  
14 750.237a (weapon free school zone violation).

15 (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL  
16 750.335a (indecent exposure).

17 (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL  
18 750.411h (stalking).

19 (xliii) Section 520e of the Michigan penal code, 1931 PA 328, MCL  
20 750.520e (fourth degree criminal sexual conduct).

21 (xliv) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless,  
22 or negligent use of a firearm resulting in injury or death).

23 (xlv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless,  
24 or negligent use of a firearm resulting in property damage).

25 (xlvi) Section ~~3a-3~~ of 1952 PA 45, MCL ~~752.863a-752.863~~  
26 (reckless discharge of a firearm).

27 (xlvii) A violation of a law of the United States, another

1 state, or a local unit of government of this state or another state  
2 substantially corresponding to a violation described in  
3 subparagraphs (i) to (x/vi).

4 (i) The applicant has not been convicted of a misdemeanor  
5 violation of any of the following in the 3 years immediately  
6 preceding the date of application unless the misdemeanor violation  
7 is listed under subdivision (h):

8 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
9 257.625 (operating under the influence).

10 (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,  
11 MCL 257.625a (refusal of commercial vehicle operator to submit to a  
12 chemical test).

13 (iii) Section ~~625k~~**625K(10)** of the Michigan vehicle code, 1949  
14 PA 300, MCL 257.625k (ignition interlock device reporting  
15 violation).

16 (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,  
17 MCL 257.625l (~~circumventing an~~ ignition interlocking device  
18 **VIOLATION**).

19 (v) Section 625m of the Michigan vehicle code, 1949 PA 300,  
20 MCL 257.625m, punishable under subsection (3) of that section  
21 (operating a commercial vehicle with alcohol content).

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

25 (vii) Section 81134 of the natural resources and environmental  
26 protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the  
27 influence).



1           (viii) Section 81135 of the natural resources and environmental  
2 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while  
3 visibly impaired).

4           (ix) Section 82127 of the natural resources and environmental  
5 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile  
6 under the influence).

7           (x) Part 74 of the public health code, 1978 PA 368, MCL  
8 333.7401 to 333.7461 (controlled substance violation).

9           (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
10 462.353, ~~(operating locomotive under the influence)~~, punishable  
11 under subsection (3) of that section (**OPERATING LOCOMOTIVE UNDER**  
12 **THE INFLUENCE**).

13           (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL  
14 750.167 (disorderly person).

15           (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL  
16 750.174 (embezzlement).

17           (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL  
18 750.218 (false pretenses with intent to defraud).

19           (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL  
20 750.356 (larceny).

21           (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL  
22 750.356d (second degree retail fraud).

23           (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL  
24 750.359 (larceny —**FROM A vacant building OR STRUCTURE**).

25           (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL  
26 750.362 (larceny by conversion).

27           (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL

1 750.362a (larceny-defrauding lessor).

2 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL  
3 750.377a (malicious destruction of property).

4 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL  
5 750.380 (malicious destruction of real property).

6 (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL  
7 750.535 (receiving **OR CONCEALING** stolen property).

8 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,  
9 MCL 750.540e (malicious use of ~~telephones~~**TELECOMMUNICATION SERVICE**  
10 **OR DEVICE**).

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

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

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

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

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

26 (n) Issuing a license to the applicant to carry a concealed  
27 pistol in this state is not detrimental to the safety of the

1 applicant or to any other individual. A determination under this  
2 subdivision shall be based on clear and convincing evidence of  
3 repeated violations of this act, crimes, personal protection orders  
4 or injunctions, or police reports or other clear and convincing  
5 evidence of the actions of, or statements of, the applicant that  
6 bear directly on the applicant's ability to carry a concealed  
7 pistol.

8 (8) Upon entry of a court order or conviction of 1 of the  
9 enumerated prohibitions for using, transporting, selling,  
10 purchasing, carrying, shipping, receiving or distributing a firearm  
11 in this section the department of state police shall immediately  
12 enter the order or conviction into the law enforcement information  
13 network. For purposes of this act, information of the court order  
14 or conviction shall not be removed from the law enforcement  
15 information network, but may be moved to a separate file intended  
16 for the use of the county concealed weapon licensing boards **OR THE**  
17 **SECRETARY OF STATE**, the courts, and other government entities as  
18 necessary and exclusively to determine eligibility to be licensed  
19 under this act.

20 (9) ~~An~~ **THROUGH DECEMBER 31, 2011, AN** individual, after  
21 submitting an application and paying the fee prescribed under  
22 subsection (5), shall request and have classifiable fingerprints  
23 taken by the county sheriff or a local police agency if that local  
24 police agency maintains fingerprinting capability. If the  
25 individual requests that classifiable fingerprints be taken by a  
26 local police agency, the individual shall also pay to that local  
27 police agency a fee of \$15.00 by any method of payment accepted by

1 the unit of local government for payments of other fees and  
2 penalties. **BEGINNING JANUARY 1, 2012, AN INDIVIDUAL, AFTER**  
3 **SUBMITTING AN APPLICATION AND PAYING THE FEE PRESCRIBED UNDER**  
4 **SUBSECTION (5), SHALL REQUEST AND HAVE CLASSIFIABLE FINGERPRINTS**  
5 **TAKEN BY THE DEPARTMENT OF STATE POLICE.** The county sheriff or  
6 local police agency **OR THE DEPARTMENT OF STATE POLICE** shall take  
7 the fingerprints within 5 business days after the request.

8 (10) The fingerprints shall be taken, under subsection (9), on  
9 forms and in a manner prescribed by the department of state police.  
10 **THE COUNTY SHERIFF OR LOCAL POLICE AGENCY SHALL IMMEDIATELY FORWARD**  
11 **THE FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE.** The  
12 ~~fingerprints shall be immediately forwarded to the department of~~  
13 ~~state police for comparison with~~ **SHALL COMPARE** fingerprints **TAKEN**  
14 **UNDER THIS ACT WITH FINGERPRINTS** already on file with the  
15 department of state police. The department of state police shall  
16 forward the fingerprints to the federal bureau of investigation.  
17 Within 10 days after receiving a report of the fingerprints from  
18 the federal bureau of investigation, the department of state police  
19 shall provide a copy, **THROUGH DECEMBER 31, 2011,** to the submitting  
20 sheriff's department or local police agency as appropriate and the  
21 clerk of the appropriate concealed weapon licensing board, **AND,**  
22 **BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.** Except as  
23 provided in subsection (14), the concealed weapon licensing board  
24 **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** shall not  
25 issue a concealed pistol license until it receives the fingerprint  
26 comparison report prescribed in this subsection. The concealed  
27 weapon licensing board **OR THE SECRETARY OF STATE** may deny a license

1 if an individual's fingerprints are not classifiable by the federal  
2 bureau of investigation.

3 (11) ~~The~~**THROUGH DECEMBER 31, 2011, THE** concealed weapon  
4 licensing board **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**  
5 **STATE** shall deny a license to an applicant to carry a concealed  
6 pistol if the applicant is not qualified under subsection (7) to  
7 receive that license.

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

11 (13) Subject to subsections (10) and (14), the concealed  
12 weapon licensing board **OR THE SECRETARY OF STATE** shall issue or  
13 deny issuance of a license within 45 days after the concealed  
14 weapon licensing board **OR THE SECRETARY OF STATE** receives the  
15 fingerprint comparison report provided under subsection (10). If  
16 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
17 denies issuance of a license to carry a concealed pistol, the  
18 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall  
19 within 5 business days do both of the following:

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

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

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

27 (b) Inform the applicant in writing of his or her right to

1 appeal the denial to the circuit court as provided in section 5d.

2 (14) If the fingerprint comparison report is not received by  
3 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
4 within 60 days after the fingerprint report is forwarded to the  
5 department of state police by the federal bureau of investigation,  
6 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
7 shall issue a temporary license to carry a concealed pistol to the  
8 applicant if the applicant is otherwise qualified for a license. A  
9 temporary license issued under this section is valid for 180 days  
10 or until the concealed weapon licensing board **OR THE SECRETARY OF**  
11 **STATE** receives the fingerprint comparison report provided under  
12 subsection (10) and issues or denies issuance of a license to carry  
13 a concealed pistol as otherwise provided under this act. Upon  
14 issuance or the denial of issuance of the license to carry a  
15 concealed pistol to an applicant who received a temporary license  
16 under this section, the applicant shall immediately surrender the  
17 temporary license to the concealed weapon licensing board that  
18 issued that temporary license, **THROUGH DECEMBER 31, 2011, OR,**  
19 **BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.**

20 (15) If an individual licensed under this act **BY A CONCEALED**  
21 **WEAPON LICENSING BOARD** to carry a concealed pistol moves to a  
22 different county within this state, his or her license remains  
23 valid until it expires or is otherwise suspended or revoked under  
24 this act. A license to carry a concealed pistol that is lost,  
25 stolen, or defaced may be replaced by the issuing county clerk,  
26 **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, BY THE**  
27 **SECRETARY OF STATE**, for a replacement fee of \$10.00.

1           (16) If a concealed weapons licensing board **OR THE SECRETARY**  
2 **OF STATE** suspends or revokes a license issued under this act, the  
3 license is forfeited and shall be returned **FORTHWITH** to the  
4 concealed weapon licensing board, ~~forthwith~~ **THROUGH DECEMBER 31,**  
5 **2011, OR, BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.** An  
6 individual who fails to return a license as required under this  
7 subsection after he or she was notified that his or her license was  
8 suspended or revoked is guilty of a misdemeanor punishable by  
9 imprisonment for not more than 93 days or a fine of not more than  
10 \$500.00, or both.

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

15           (18) This section does not prohibit the concealed weapon  
16 licensing board, **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY**  
17 **1, 2012, THE SECRETARY OF STATE** from making public and distributing  
18 to the public at no cost lists of individuals who are certified as  
19 qualified instructors as prescribed under section 5j.

20           (19) As used in this section:

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

27           (b) "Felony" means that term as defined in section 1 of

1 chapter I of the code of criminal procedure, 1927 PA 175, MCL  
2 761.1, or a violation of a law of the United States or another  
3 state that is designated as a felony or that is punishable by death  
4 or by imprisonment for more than 1 year.

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

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

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

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

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

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

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

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

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



1           (2) Subject to section 5o and except as otherwise provided by  
2 law, a license to carry a concealed pistol issued by the county  
3 concealed weapon licensing board **OR THE SECRETARY OF STATE**  
4 authorizes the licensee to do all of the following:

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

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

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

21           (2) If the court determines that the denial or failure to  
22 issue a license was clearly erroneous, the court shall order the  
23 concealed weapon licensing board, **THROUGH DECEMBER 31, 2011, OR,**  
24 **BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** to issue a  
25 license as required by this act.

26           (3) If the court determines that the decision of the concealed  
27 weapon licensing board to deny issuance of a license to an

1 applicant was arbitrary and capricious, the court shall order this  
2 state to pay 1/3 and the county in which the concealed weapon  
3 licensing board is located to pay 2/3 of the actual costs and  
4 actual attorney fees of the applicant in appealing the denial. **IF**  
5 **THE COURT DETERMINES THAT THE DECISION OF THE SECRETARY OF STATE TO**  
6 **DENY ISSUANCE OF A LICENSE TO AN APPLICANT WAS ARBITRARY AND**  
7 **CAPRICIOUS, THE COURT SHALL ORDER THIS STATE TO PAY THE ACTUAL**  
8 **COSTS AND ACTUAL ATTORNEY FEES OF THE APPLICANT IN APPEALING THE**  
9 **DENIAL.**

10 (4) If the court determines that an applicant's appeal was  
11 frivolous, the court shall order the applicant to pay the actual  
12 costs and actual attorney fees of the concealed weapon licensing  
13 board **OR THE STATE** in responding to the appeal.

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

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

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

22 (c) Except as provided in subsection (2), if the individual  
23 was denied a license to carry a concealed pistol after ~~the~~  
24 ~~effective date of the amendatory act that added this subdivision~~  
25 **JULY 1, 2001**, a statement of the reasons for that denial.

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

1 period.

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

5 (2) If an individual who was denied a license to carry a  
6 concealed pistol after ~~the effective date of the amendatory act~~  
7 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a  
8 license to carry a concealed pistol, the department of state police  
9 shall delete from the computerized database the previous reasons  
10 for the denial.

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

14 (4) Information in the database, compiled under subsections  
15 (1) through (3), is confidential, is not subject to disclosure  
16 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
17 15.246, and shall not be disclosed to any person except for  
18 purposes of this act or for law enforcement purposes. The  
19 information compiled under subsection (5) is subject to disclosure  
20 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
21 15.246.

22 (5) The department of state police shall file an annual report  
23 with the secretary of the senate and the clerk of the house of  
24 representatives setting forth all of the following information for  
25 each county concealed weapon licensing board:

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

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

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

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

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

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

5 (g) The number of applications pending at the time the report  
6 is made.

7 (h) The mean and median amount of time and the longest and  
8 shortest amount of time used by the federal bureau of investigation  
9 to supply the fingerprint comparison report required in section  
10 5b(11). The department may use a statistically significant sample  
11 to comply with this subdivision.

12 (i) The number of charges of state civil infractions of this  
13 act or charges of criminal violations, categorized by offense,  
14 filed against individuals licensed to carry a concealed pistol that  
15 resulted in a finding of responsibility or a criminal conviction.  
16 The report shall indicate the number of crimes in each category of  
17 criminal offense that involved the brandishing or use of a pistol,  
18 the number that involved the carrying of a pistol by the license  
19 holder during the commission of the crime, and the number in which  
20 no pistol was carried by the license holder during the commission  
21 of the crime.

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

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

26 (l) The number of cases filed against individuals licensed to  
27 carry a concealed pistol for criminal violations that resulted in a

1 finding of not responsible or not guilty, categorized by offense.

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

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

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

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

12 (2) An individual who is licensed under this act to carry a  
13 concealed pistol and who is carrying a concealed pistol shall show  
14 both of the following to a peace officer upon request by that peace  
15 officer:

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

17 (b) His or her driver license or Michigan personal  
18 identification card.

19 (3) An individual licensed under this act to carry a concealed  
20 pistol and who is carrying a concealed pistol and who is stopped by  
21 a peace officer shall immediately disclose to the peace officer  
22 that he or she is carrying a pistol concealed upon his or her  
23 person or in his or her vehicle.

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

27 (5) An individual who violates subsection (3) is responsible

1 for a state civil infraction and may be fined as follows:

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

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

8 (6) If an individual is found responsible for a state civil  
9 infraction under this section, the court shall notify the  
10 department of state police and the concealed weapon licensing board  
11 that issued the license, **THROUGH DECEMBER 31, 2011, OR, BEGINNING**  
12 **JANUARY 1, 2012, THE SECRETARY OF STATE** of that determination.

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

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

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

7 (8) As used in this section, "peace officer" includes a motor  
8 carrier officer appointed under section 6d of 1935 PA 59, MCL  
9 28.6d, and security personnel employed by the state under section  
10 6c of 1935 PA 59, MCL 28.6c.

11 Sec. 5j. (1) A pistol training or safety program described in  
12 section 5b(7)(c) meets the requirements for knowledge or training  
13 in the safe use and handling of a pistol only if the program  
14 consists of not less than 8 hours of instruction and all of the  
15 following conditions are met:

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

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

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

25 (iii) Pistol shooting positions.

26 (iv) Firearms and the law, including civil liability issues and  
27 the use of deadly force. This portion shall be taught by an

1 attorney or an individual trained in the use of deadly force.

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

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

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

8 (c) The program provides a certificate of completion that  
9 states the program complies with the requirements of this section  
10 and that the individual successfully completed the course, and that  
11 contains the printed name and signature of the course instructor.  
12 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion  
13 shall contain the statement, "This course complies with section 5j  
14 of 1927 PA 372."

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

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

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

22 (b) Present a certificate of completion described under  
23 subsection (1)(c) to a concealed weapon licensing board **OR THE**  
24 **SECRETARY OF STATE** knowing that the individual did not  
25 satisfactorily complete the course.

26 (3) A person who violates subsection (2) is guilty of a felony  
27 punishable by imprisonment for not more than 4 years or a fine of



1 not more than \$2,500.00, or both.

2 (4) ~~A~~ **NEITHER A** concealed weapons ~~WEAPON~~ licensing board **NOR**  
3 **THE SECRETARY OF STATE** shall ~~not~~ require that a specific form,  
4 color, wording, or other content appear on a certificate of  
5 completion, except as provided in subsection (5). ~~, and shall~~  
6 ~~accept as valid a certificate of completion issued prior to the~~  
7 ~~effective date of the amendatory act that added this subsection~~  
8 ~~that contains an inaccurate reference or no reference to this~~  
9 ~~section but otherwise complies with this section.~~

10 (5) ~~Beginning October 1, 2004, a~~ **A** concealed weapons ~~WEAPON~~  
11 licensing board **AND THE SECRETARY OF STATE** shall require that a  
12 certificate of completion contain the statement, "This course  
13 complies with section 5j of 1927 PA 372."

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

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

23 (a) If the person was under the influence of alcoholic liquor  
24 or a controlled substance or a combination of alcoholic liquor and  
25 a controlled substance, or had a bodily alcohol content of .10 or  
26 more grams per 100 milliliters of blood, per 210 liters of breath,  
27 or per 67 milliliters of urine, the individual is guilty of a

1 misdemeanor punishable by imprisonment for not more than 93 days or  
2 \$100.00, or both. The court shall order the concealed weapon  
3 licensing board that issued the individual a license to carry a  
4 concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**  
5 **STATE** to permanently revoke the license. The concealed weapon  
6 licensing board **OR THE SECRETARY OF STATE** shall permanently revoke  
7 the license as ordered by the court.

8 (b) If the person had a bodily alcohol content of .08 or more  
9 but less than .10 grams per 100 milliliters of blood, per 210  
10 liters of breath, or per 67 milliliters of urine, the individual is  
11 guilty of a misdemeanor punishable by imprisonment for not more  
12 than 93 days or \$100.00, or both. The court may order the concealed  
13 weapon licensing board that issued the individual a license to  
14 carry a concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE**  
15 **SECRETARY OF STATE** to revoke the license for not more than 3 years.  
16 The concealed weapon licensing board **OR THE SECRETARY OF STATE**  
17 shall revoke the license as ordered by the court.

18 (c) If the person had a bodily alcohol content of .02 or more  
19 but less than .08 grams per 100 milliliters of blood, per 210  
20 liters of breath, or per 67 milliliters of urine, the individual is  
21 responsible for a state civil infraction and may be fined not more  
22 than \$100.00. The court may order the concealed weapon licensing  
23 board that issued the individual the license **OR, BEGINNING JANUARY**  
24 **1, 2012, THE SECRETARY OF STATE** to revoke the license for 1 year.  
25 The concealed weapon licensing board **OR THE SECRETARY OF STATE**  
26 shall revoke the license as ordered by the court. The court shall  
27 notify the concealed weapon licensing board that issued the

1 individual a license to carry a concealed pistol **OR, BEGINNING**  
2 **JANUARY 1, 2012, THE SECRETARY OF STATE** if an individual is found  
3 responsible for a subsequent violation of this subdivision.

4 (3) This section does not prohibit an individual licensed  
5 under this act to carry a concealed pistol who has any bodily  
6 alcohol content from transporting that pistol in the locked trunk  
7 of his or her motor vehicle or another motor vehicle in which he or  
8 she is a passenger or, if the vehicle does not have a trunk, from  
9 transporting that pistol unloaded in a locked compartment or  
10 container that is separated from the ammunition for that pistol or  
11 on a vessel if the pistol is transported unloaded in a locked  
12 compartment or container that is separated from the ammunition for  
13 that pistol.

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

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

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

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

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

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

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

9 (7) If a person refuses to take a chemical test authorized  
10 under this section, the peace officer shall promptly report the  
11 refusal in writing to the concealed weapon licensing board that  
12 issued the license to the individual to carry a concealed pistol  
13 **OR, BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.**

14 (8) If a person takes a chemical test authorized under this  
15 section and the test results indicate that the individual had any  
16 bodily alcohol content while carrying a concealed pistol, the peace  
17 officer shall promptly report the violation in writing to the  
18 concealed weapon licensing board that issued the license to the  
19 individual to carry a concealed pistol **OR, BEGINNING JANUARY 1,**  
20 **2012, TO THE SECRETARY OF STATE.**

21 (9) As used in this section:

22 (a) "Alcoholic liquor" means that term as defined in section  
23 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
24 436.1105.

25 (b) "Controlled substance" means that term as defined in  
26 section 7104 of the public health code, 1978 PA 368, MCL ~~333.7401~~  
27 **333.7104.**

1           Sec. 5l. (1) A license to carry a concealed pistol issued on or  
2 after July 1, 2003 but before July 1, 2006 is valid for 5 years.

3           (2) A license to carry a concealed pistol issued or renewed on  
4 or after July 1, 2006 is valid until the applicant's date of birth  
5 that falls not less than 4 years or more than 5 years after the  
6 license is issued or renewed, as applicable. Except as provided in  
7 subsections (7) and (8), a renewal of a license under section 5b  
8 shall, except as provided in this section, be issued in the same  
9 manner as an original license issued under section 5b.

10           (3) The concealed weapon licensing board **OR THE SECRETARY OF**  
11 **STATE** shall issue or deny issuance of a renewal license within 60  
12 days after the application for renewal is properly submitted. The  
13 county clerk **OR THE SECRETARY OF STATE** shall issue the applicant a  
14 receipt for his or her renewal application at the time the  
15 application is submitted. The receipt shall contain all of the  
16 following:

17           (a) The name of the applicant.

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

19           (c) The amount paid.

20           (d) A statement that the receipt is for a license renewal.

21           (e) A statement of whether the applicant qualifies for an  
22 extension under subsection (4).

23           (f) The name of the county in which the receipt is issued.

24           (g) An impression of the county **OR STATE** seal.

25           (4) If the concealed weapon licensing board **OR THE SECRETARY**  
26 **OF STATE** fails to deny or issue a renewal license to the person  
27 within 60 days as required under subsection (3), the expiration

1 date of the current license is extended by 180 days or until the  
2 renewal license is issued, whichever occurs first. This subsection  
3 does not apply unless the person pays the renewal fee at the time  
4 the renewal application is submitted and the person has submitted a  
5 receipt from a police agency that confirms that a background check  
6 has been requested by the applicant.

7 (5) A person carrying a concealed pistol after the expiration  
8 date of his or her license pursuant to an extension under  
9 subsection (4) shall keep the receipt issued by the county clerk **OR**  
10 **THE SECRETARY OF STATE** under subsection (3) and his or her expired  
11 license in his or her possession at all times that he or she is  
12 carrying the pistol. For the purposes of this act, the receipt is  
13 considered to be part of the license to carry a concealed pistol  
14 until a renewal license is issued or denied. Failing to have the  
15 receipt and expired license in possession while carrying a  
16 concealed pistol or failing to display the receipt to a peace  
17 officer upon request is a violation of this act.

18 (6) The educational requirements under section 5b(7)(c) are  
19 waived for an applicant who is a retired police officer or retired  
20 law enforcement officer.

21 (7) The educational requirements under section 5b(7)(c) for an  
22 applicant who is applying for a renewal of a license under this act  
23 are waived except that the applicant shall certify that he or she  
24 has completed at least 3 hours' review of the training described  
25 under section 5b(7)(c) and has had at least 1 hour of firing range  
26 time in the 6 months immediately preceding the subsequent  
27 application.

1 (8) Beginning January 1, 2007, an applicant who is applying  
2 for a renewal of a license issued under section 5b is not required  
3 to have fingerprints taken again under section 5b(9) if all of the  
4 following conditions have been met:

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

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

13 Sec. 5m. A prosecuting attorney shall promptly notify the  
14 county concealed weapon licensing board that issued the license **OR,**  
15 **BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** of a criminal  
16 charge against a license holder for a felony or specified criminal  
17 offense as defined in this act. The prosecuting attorney shall  
18 promptly notify the county concealed weapon licensing board that  
19 issued the license **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**  
20 **STATE** of the disposition of the criminal charge. If a license  
21 holder is convicted of a crime, the prosecuting attorney's  
22 notification shall indicate if the crime involved the brandishing  
23 or use of a pistol, if a pistol was carried by the license holder  
24 during the commission of the crime, or if no pistol was carried by  
25 the license holder during the commission of the crime. The  
26 **DEPARTMENT OF** state police shall provide a form for reporting  
27 purposes. Each year by a date determined by the director of the

1 department of state police, the chairperson of the county concealed  
2 weapon licensing board **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY**  
3 **OF STATE** shall compile and provide a report to the department of  
4 state police in a format determined by the director of the  
5 department of state police containing the information provided to  
6 the concealed weapon licensing board **OR THE SECRETARY OF STATE**  
7 under this section, section 5f(6), or section 5k(7) or (8).

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

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

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

22 (c) A sports arena or stadium.

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



1 Michigan liquor control commission shall develop and make available  
2 to holders of licenses under the Michigan liquor control code of  
3 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
4 stating that "This establishment prohibits patrons from carrying  
5 concealed weapons". The owner or operator of an establishment  
6 licensed under the Michigan liquor control code of 1998, 1998 PA  
7 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
8 sign developed under this subdivision. A record made available by  
9 an establishment licensed under the Michigan liquor control code of  
10 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
11 this subdivision is exempt from disclosure under the freedom of  
12 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

23 (g) A hospital.

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

26 (2) An individual licensed under this act to carry a concealed  
27 pistol, or who is exempt from licensure under section ~~12a(1)-(f)~~

1 **12A(1)(H)**, shall not carry a concealed pistol in violation of R  
2 432.1212 or a successor rule of the Michigan administrative code  
3 promulgated under the Michigan gaming control and revenue act, 1996  
4 IL 1, MCL 432.201 to 432.226.

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

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

8 (a) An individual licensed under this act who is a retired  
9 police officer or retired law enforcement officer. The concealed  
10 weapon licensing board **OR THE SECRETARY OF STATE** may require a  
11 letter from the law enforcement agency stating that the retired  
12 police officer or law enforcement officer retired in good standing.

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

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

21 (d) An individual who is licensed under this act and who is a  
22 corrections officer of a county sheriff's department.

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

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

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

4 (h) An individual who is licensed under this act and who is a  
5 parole or probation officer of the department of corrections.

6 (i) A state court judge or state court retired judge who is  
7 licensed under this act. The concealed weapon licensing board **OR**  
8 **THE SECRETARY OF STATE** may require a state court retired judge to  
9 obtain and carry a letter from the judicial tenure commission  
10 stating that the state court retired judge is in good standing as  
11 authorized under section 30 of article VI of the state constitution  
12 of 1963, and rules promulgated under that section, in order to  
13 qualify under this subdivision.

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

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

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

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

1    revoked.

2           SEC. 5X. (1) IF A CONCEALED WEAPON LICENSING BOARD DETERMINES  
3    THAT IT WILL BE UNABLE TO COMPLETE ANY ACTION REQUIRED TO BE TAKEN  
4    UNDER THIS ACT BY THE CONCEALED WEAPON LICENSING BOARD BEFORE  
5    DECEMBER 31, 2011, THE CONCEALED WEAPON LICENSING BOARD SHALL  
6    PROMPTLY NOTIFY THE SECRETARY OF STATE OF THAT DETERMINATION IN  
7    WRITING.

8           (2) IF THE SECRETARY OF STATE IS NOTIFIED BY A CONCEALED  
9    WEAPON LICENSING BOARD UNDER SUBSECTION (1) THAT IT WILL BE UNABLE  
10   TO COMPLETE ANY ACTION REQUIRED TO BE TAKEN UNDER THIS ACT, THE  
11   SECRETARY OF STATE SHALL ASSUME RESPONSIBILITY FOR COMPLETING THAT  
12   ACTION. THE SECRETARY OF STATE MAY REQUIRE THE COUNTY CLERK ON  
13   BEHALF OF THE CONCEALED WEAPON LICENSING BOARD TO TRANSFER TO THE  
14   SECRETARY OF STATE ANY APPLICATION, DOCUMENTS, OR INFORMATION  
15   REQUIRED TO COMPLETE THE ACTION REQUIRED UNDER THIS ACT.

16          (3) IF A CONCEALED WEAPON LICENSING BOARD IS REQUIRED UNDER  
17   SUBSECTION (2) TO TRANSFER ANY APPLICATION, DOCUMENTS, OR  
18   INFORMATION TO THE SECRETARY OF STATE, THE COUNTY CLERK ON BEHALF  
19   OF THE CONCEALED WEAPON LICENSING BOARD SHALL PROMPTLY NOTIFY THE  
20   INDIVIDUAL WHOSE APPLICATION OR OTHER ACTION IS PENDING BEFORE THE  
21   CONCEALED WEAPON LICENSING BOARD OF THE TRANSFER TO THE SECRETARY  
22   OF STATE.

23          (4) THE SECRETARY OF STATE SHALL NOT CHARGE A FEE FOR THE  
24   TRANSFER OF THE ACTION TO THE SECRETARY OF STATE OR FOR COMPLETING  
25   ANY ACTION UNDER THIS ACT FOR WHICH A FEE HAS ALREADY BEEN PAID TO  
26   THE CONCEALED WEAPON LICENSING BOARD.

27          Sec. 6a. (1) A concealed ~~weapons~~ WEAPON licensing board,

1 **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, THE**  
2 **SECRETARY OF STATE** may issue to any bank, trust company, armored  
3 car company, railway company, express company, or other company,  
4 institution, copartnership, or individual having in its, their, or  
5 the individual's possession large sums of money or other valuables,  
6 a license authorizing the licensee to equip the premises or  
7 vehicles under its, their, or the individual's control with gas  
8 ejecting devices to be used solely for the purpose of protecting  
9 those premises or vehicles and the persons or property in the  
10 premises or vehicles from criminal assaults.

11 (2) The director of the department of state police shall  
12 promulgate rules to govern the issuing of the license and the  
13 making of an application for the license. The rules shall be  
14 promulgated ~~pursuant to~~ **UNDER** the administrative procedures act of  
15 1969, Act No. ~~306 of the Public Acts of 1969, as amended, being~~  
16 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws 1969 PA~~  
17 **306, MCL 24.201 TO 24.328**. The concealed ~~weapons~~ **WEAPON** licensing  
18 board, **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012,**  
19 **THE SECRETARY OF STATE** may issue to any company, copartnership, or  
20 individual under the limitations and ~~pursuant to the~~ **UNDER** rules  
21 promulgated by the director of the department of state police a  
22 license authorizing the corporation, copartnership, or individual  
23 to manufacture or sell, or both, a gas ejecting or emitting weapon,  
24 cartridge, or device to any person authorized by law to possess the  
25 weapon, cartridge, or device.

26 (3) For purposes of this section, "gas ejecting device" means  
27 a device designed for the purpose of rendering a person either

1 temporarily or permanently disabled by the ejection, release, or  
2 emission of a gas or other substance.

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

8 Sec. 8. (1) ~~The~~ **THROUGH DECEMBER 31, 2011, THE** concealed  
9 weapon licensing board that issued a license to an individual to  
10 carry a concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE**  
11 **SECRETARY OF STATE** may revoke ~~that~~ **A** license if the board **OR THE**  
12 **SECRETARY OF STATE** determines that the individual committed any  
13 violation of this act other than a violation of section 5f(4). If  
14 the board **OR THE SECRETARY OF STATE** determines that the individual  
15 has been found responsible for 3 or more state civil infraction  
16 violations of this act during the license period, the board **OR THE**  
17 **SECRETARY OF STATE** shall conduct a hearing and may suspend the  
18 individual's license for not more than 1 year.

19 (2) Except as provided in subsections (3), (4), and (5), a  
20 license shall not be revoked under this section except upon written  
21 complaint and an opportunity for a hearing before the board **OR THE**  
22 **SECRETARY OF STATE**. The board **OR THE SECRETARY OF STATE** shall give  
23 the individual at least 10 days' notice of a hearing under this  
24 section. The notice shall be by personal service or by certified  
25 mail delivered to the individual's last known address.

26 (3) If the concealed weapon licensing board **OR THE SECRETARY**  
27 **OF STATE** is notified by a law enforcement agency or prosecuting

1 official that an individual licensed to carry a concealed pistol is  
2 charged with a felony or misdemeanor as defined in this act, the  
3 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall  
4 immediately suspend the individual's license until there is a final  
5 disposition of the charge for that offense and send notice of that  
6 suspension to the individual's last known address as indicated in  
7 the records of the concealed weapon licensing board **OR THE**  
8 **SECRETARY OF STATE**. The notice shall inform the individual that he  
9 or she is entitled to a prompt hearing on the suspension, and the  
10 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall  
11 conduct a prompt hearing if requested in writing by the individual.  
12 The requirements of subsection (2) do not apply to this subsection.

13 (4) The concealed weapon licensing board that issued a license  
14 to an individual to carry a concealed pistol, **THROUGH DECEMBER 31,**  
15 **2011, OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** shall  
16 revoke ~~that~~ a license if the board **OR THE SECRETARY OF STATE**  
17 determines that the individual is not eligible under this act to  
18 receive a license to carry a concealed pistol. The concealed weapon  
19 licensing board **OR THE SECRETARY OF STATE** shall immediately send  
20 notice of the fact of and the reason for the revocation under this  
21 subsection by first-class mail to the individual's last known  
22 address as indicated on the records of the concealed weapon  
23 licensing board **OR THE SECRETARY OF STATE**. The requirements of  
24 subsection (2) do not apply to this subsection.

25 (5) If the concealed weapon licensing board, **THROUGH DECEMBER**  
26 **31, 2011, OR, BEGINNING JANUARY 1, 2012, IF THE SECRETARY OF STATE**  
27 determines by clear and convincing evidence based on specific

1 articulable facts that the applicant poses a danger to the  
2 applicant or to any other person, the concealed weapon licensing  
3 board **OR THE SECRETARY OF STATE** shall immediately suspend the  
4 individual's license pending a revocation hearing under this  
5 section. The concealed weapon licensing board **OR THE SECRETARY OF**  
6 **STATE** shall send notice of the suspension to the individual's last  
7 known address as indicated in the records of the concealed weapon  
8 licensing board **OR THE SECRETARY OF STATE**. The notice shall inform  
9 the individual that he or she is entitled to a prompt hearing on  
10 the suspension, and the concealed weapon licensing board, **THROUGH**  
11 **DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**  
12 **STATE** shall conduct a prompt hearing if requested in writing by the  
13 individual. The requirements of subsection (2) do not apply to this  
14 subsection.

15 (6) If the concealed weapon licensing board **OR THE SECRETARY**  
16 **OF STATE** orders a license suspended or revoked under this section  
17 or amends a suspension or revocation order, the concealed weapon  
18 licensing board **OR THE SECRETARY OF STATE** shall immediately notify  
19 a law enforcement agency having jurisdiction in the county in which  
20 the concealed weapon licensing board is located, **THROUGH DECEMBER**  
21 **31, 2011, OR, BEGINNING JANUARY 1, 2012, THE DEPARTMENT OF STATE**  
22 **POLICE** to enter the order or amended order into the law enforcement  
23 information network. A law enforcement agency that receives notice  
24 of an order or amended order under this subsection from a concealed  
25 weapon licensing board **OR THE DEPARTMENT OF STATE POLICE** shall  
26 immediately enter the order or amended order into the law  
27 enforcement information network as requested by that concealed



1 weapon licensing board **OR THE SECRETARY OF STATE**.

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

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

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

20 (10) The clerk of the concealed weapon licensing board,  
21 **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, THE**  
22 **SECRETARY OF STATE** is authorized to administer an oath to any  
23 individual testifying before the board **OR THE SECRETARY OF STATE** at  
24 a hearing under this section.