

HOUSE BILL No. 4134

January 30, 2013, Introduced by Reps. Foster, Bumstead and Johnson 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, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 5/ and 5o (MCL 28.425/ and 28.425o), section 5/ as amended by 2012 PA 32 and section 5o as amended by 2012 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5/. (1) A license to carry a concealed pistol issued on or

1 after July 1, 2003 but before July 1, 2006 is valid for 5 years.

2 (2) An initial license to carry a concealed pistol issued or
3 renewed on or after July 1, 2006, other than a license described in
4 subsection (1), is valid until the applicant's date of birth that
5 falls not less than 4 years or more than 5 years after the license
6 is issued or renewed, as applicable. Except as provided in
7 subsections (8) and (9), 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) Subject to subsections (8) and (9), an application to
11 renew a license to carry a concealed pistol may be submitted not
12 more than 6 months before the expiration of the current license. If
13 the concealed weapon licensing board approves the renewal, the
14 effective date of the renewal license is the date of expiration of
15 the current license or the date of approval of the renewal,
16 whichever is later, and the date of expiration is the applicant's
17 date of birth ~~which~~ **THAT** is not less than 4 years or more than 5
18 years from the effective date of the license.

19 (4) The concealed weapon licensing board shall issue or deny
20 issuance of a renewal license within 60 days after the application
21 for renewal is properly submitted. The county clerk shall issue the
22 applicant a receipt for his or her renewal application at the time
23 the application is submitted. The receipt shall contain all of the
24 following:

25 (a) The name of the applicant.

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

27 (c) The amount paid.

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

2 (e) A statement of whether the applicant qualifies for an
3 extension under subsection (5).

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

5 (g) An impression of the county seal.

6 (5) If the concealed weapon licensing board fails to deny or
7 issue a renewal license to the person within 60 days as required
8 under subsection (4), the expiration date of the current license is
9 extended by 180 days or until the renewal license is issued,
10 whichever occurs first. This subsection does not apply unless the
11 person pays the renewal fee at the time the renewal application is
12 submitted and the person has submitted a receipt from a police
13 agency that confirms that a background check has been requested by
14 the applicant.

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

26 (7) The educational requirements under section 5b(7)(c) are
27 waived for an applicant who is a **PEACE OFFICER**, retired police

1 officer, ~~or~~ retired law enforcement officer, **A PERSON ON ACTIVE**
2 **DUTY STATUS WITH THE UNITED STATES ARMED FORCES, OR A PERSON WHO**
3 **RECEIVED AN HONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES**
4 **AT THE TIME OF HIS OR HER SEPARATION.**

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

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

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

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

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

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

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

11 (c) A sports arena or stadium.

12 (d) A bar or tavern licensed under the Michigan liquor control
13 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
14 primary source of income of the business is the sale of alcoholic
15 liquor by the glass and consumed on the premises. This subdivision
16 does not apply to an owner or employee of the business. The
17 Michigan liquor control commission shall develop and make available
18 to holders of licenses under the Michigan liquor control code of
19 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
20 stating that "This establishment prohibits patrons from carrying
21 concealed weapons". The owner or operator of an establishment
22 licensed under the Michigan liquor control code of 1998, 1998 PA
23 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
24 sign developed under this subdivision. A record made available by
25 an establishment licensed under the Michigan liquor control code of
26 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce
27 this subdivision is exempt from disclosure under the freedom of

1 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

12 (g) A hospital.

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

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

18 (3) An individual licensed under this act to carry a concealed
19 pistol, or who is exempt from licensure under section ~~12a(1)(f)~~
20 **12A(1)(H)**, shall not carry a concealed pistol in violation of R
21 432.1212 or a successor rule of the Michigan administrative code
22 promulgated under the Michigan gaming control and revenue act, 1996
23 IL 1, MCL 432.201 to 432.226.

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

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

1 (a) An individual licensed under this act who is a retired
2 police officer or retired law enforcement officer. The concealed
3 weapon licensing board may require a letter from the law
4 enforcement agency stating that the retired police officer or law
5 enforcement officer retired in good standing.

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

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

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

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

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

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

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

26 (i) A state court judge or state court retired judge who is
27 licensed under this act. The concealed weapon licensing board may

1 require a state court retired judge to obtain and carry a letter
2 from the judicial tenure commission stating that the state court
3 retired judge is in good standing as authorized under section 30 of
4 article VI of the state constitution of 1963, and rules promulgated
5 under that section, in order to qualify under this subdivision.

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

8 (K) AN INDIVIDUAL LICENSED UNDER THIS ACT WHO IS A RETIRED
9 FEDERAL LAW ENFORCEMENT OFFICER WHO CARRIED A FIREARM DURING THE
10 COURSE OF HIS OR HER EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT
11 OFFICER. THE CONCEALED WEAPON LICENSING BOARD MAY REQUIRE A LETTER
12 FROM THE LAW ENFORCEMENT AGENCY THAT EMPLOYED THE OFFICER
13 IMMEDIATELY PRIOR TO HIS OR HER RETIREMENT STATING THAT THE RETIRED
14 OFFICER RETIRED IN GOOD STANDING. AS USED IN THIS SUBDIVISION,
15 "FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN OFFICER OR AGENT
16 EMPLOYED BY A LAW ENFORCEMENT AGENCY OF THE UNITED STATES
17 GOVERNMENT WHOSE PRIMARY RESPONSIBILITY IS ENFORCING THE LAWS OF
18 THE UNITED STATES.

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

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

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

1 pistol revoked.

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