

SENATE BILL No. 442

September 9, 2015, Introduced by Senators GREEN, MEEKHOF, COLBECK, CASPERSON, PROOS, KOWALL, JONES, BRANDENBURG, SHIRKEY, MARLEAU, PAVLOV, HORN, BOOHER and EMMONS 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 5a, 5b, 5d, and 5o (MCL 28.425a, 28.425b, 28.425d, and 28.425o), sections 5a and 5d as amended by 2015 PA 3 and sections 5b and 5o as amended by 2015 PA 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) Beginning December 1, 2015, the county concealed

1 weapon licensing boards are eliminated. Each county concealed
2 weapon licensing board shall transfer all license applications and
3 official documents in its possession to the county clerk of the
4 county in which the board is located no later than November 30,
5 2015. All pending applications remain in place, are considered to
6 have a December 1, 2015 application date, and shall be processed by
7 the county clerk as provided in this act. If an applicant has an
8 initial or renewal application that is pending on December 1, 2015,
9 that applicant may request a receipt from the county clerk that
10 meets the requirements of section 5b(9) or 5l(3). The county clerk
11 shall issue that receipt by first-class mail unless requested in
12 person. The receipt is effective on the date the county clerk
13 issues that receipt. The county clerk shall not charge any
14 additional fee for receiving or processing an application
15 previously submitted to the county concealed weapon licensing
16 board, except as otherwise provided in this act. A license to carry
17 a concealed pistol issued by a concealed weapon licensing board
18 before December 1, 2015 is valid and remains in effect until the
19 expiration of that license or as otherwise provided by law.

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

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

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

24 (c) Issuing notices of statutory disqualification, notices of
25 suspensions, and notices of revocations.

26 (3) The department of state police shall verify under section
27 5b(6) whether an applicant for a license to carry a concealed

1 pistol is eligible to receive a license to carry a concealed
2 pistol.

3 (4) A county clerk shall issue an emergency license to carry a
4 concealed pistol to an applicant if the individual has obtained a
5 personal protection order issued under section 2950 or 2950a of the
6 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
7 600.2950a, or to an applicant if a county sheriff determines that
8 there is clear and convincing evidence to believe the safety of the
9 applicant or the safety of a member of the applicant's family or
10 household is endangered by the applicant's inability to immediately
11 obtain a license to carry a concealed pistol. Clear and convincing
12 evidence includes, but is not limited to, an application for a
13 personal protection order, police reports and other law enforcement
14 records, or written, audio, or visual evidence of threats to the
15 applicant or member of the applicant's family or household. A
16 county clerk shall only issue an emergency license to carry a
17 concealed pistol to an applicant who has obtained a personal
18 protection order if the individual is eligible under section
19 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive a
20 license based on a criminal record check through the law
21 enforcement information network conducted by the department of
22 state police. The county sheriff shall only issue a determination
23 under this subsection to an individual who is eligible under
24 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
25 a license based on a criminal record check through the law
26 enforcement information network and only after the county sheriff
27 has taken the individual's fingerprints in compliance with section

1 5b(9). An emergency license shall be on a form provided by the
2 department of state police. An applicant for an emergency license
3 shall, within 10 business days of applying for an emergency
4 license, complete a pistol training course under section 5j and
5 apply for a license under section 5b. A county sheriff who makes a
6 determination under this section, performs a criminal record check,
7 and takes the applicant's fingerprints may charge a fee not to
8 exceed \$15.00. A county clerk may charge a fee not to exceed \$10.00
9 for printing an emergency license. A county clerk shall deposit a
10 fee collected by the county clerk under this subsection in the
11 concealed pistol licensing fund of that county created in section
12 5x. An emergency license is unrestricted and is valid for 45 days
13 or until the county clerk issues a license or a notice of statutory
14 disqualification, whichever occurs first. Except as otherwise
15 provided in this act, an emergency license is, for all other
16 purposes of this act, a license to carry a concealed pistol. The
17 county clerk shall include an indication on the license if an
18 individual is exempt from the prohibitions against carrying a
19 concealed pistol on premises described in section 5o if the
20 applicant provides acceptable proof that he or she qualifies for
21 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**
22 **INDORSEMENT ON HIS OR HER APPLICATION FORM.** An individual shall not
23 obtain more than 1 emergency license in any 5-year period. If a
24 county clerk issues a notice of statutory disqualification to an
25 applicant who received an emergency license under this section, the
26 applicant shall immediately surrender the emergency license to the
27 county clerk by mail or in person if that emergency license has not

1 expired. An individual who fails to surrender a license as required
2 by this subsection after he or she is notified of a statutory
3 disqualification is guilty of a misdemeanor punishable by
4 imprisonment for not more than 93 days or a fine of not more than
5 \$500.00, or both.

6 (5) The legislative service bureau shall compile the firearms
7 laws of this state, including laws that apply to carrying a
8 concealed pistol, and shall provide copies of the compilation in an
9 electronic format to the department of state police. The department
10 of state police shall provide a copy of the compiled laws to each
11 county clerk in this state. The department of state police shall
12 also provide forms to appeal any notice of statutory
13 disqualification, or suspension or revocation of a license under
14 this act. The department of state police shall distribute copies of
15 the compilation and forms required under this subsection in an
16 electronic format to each county clerk. The county clerk shall
17 distribute a copy of the compilation and forms at no charge to each
18 individual who applies for a license to carry a concealed pistol at
19 the time the application is submitted. The county clerk shall
20 require the applicant to sign a written statement acknowledging
21 that he or she has received a copy of the compilation and forms
22 provided under this subsection. An individual is not eligible to
23 receive a license to carry a concealed pistol until he or she has
24 signed the statement.

25 Sec. 5b. (1) Until November 30, 2015, to obtain a license to
26 carry a concealed pistol, an individual shall apply to the
27 concealed weapon licensing board in the county in which that

1 individual resides. Beginning December 1, 2015, to obtain a license
2 to carry a concealed pistol, an individual shall apply to the
3 county clerk in the county in which the individual resides. The
4 applicant shall file the application with the county clerk in the
5 county in which the applicant resides during the county clerk's
6 normal business hours. The application shall be on a form provided
7 by the director of the department of state police. Until November
8 30, 2015, the application shall allow the applicant to designate
9 whether the applicant seeks a temporary license. Beginning December
10 1, 2015, the application shall allow the applicant to designate
11 whether the applicant seeks an emergency license **AND WHETHER HE OR**
12 **SHE SEEKS AN EXEMPTION FROM THE PROHIBITION AGAINST CARRYING A**
13 **CONCEALED PISTOL ON THE PREMISES DESCRIBED IN SECTION 5o.** The
14 application shall be signed under oath by the applicant. The oath
15 shall be administered by the county clerk or his or her
16 representative. Beginning December 1, 2015, not more than 1
17 application may be submitted under this subsection in any calendar
18 year. Beginning December 1, 2015, an application under this
19 subsection is not considered complete until an applicant submits
20 all of the required information and fees and has fingerprints taken
21 under subsection (9). Beginning December 1, 2015, an application
22 under this subsection is considered withdrawn if an applicant does
23 not have fingerprints taken under subsection (9) within 45 days of
24 the date an application is filed under this subsection. Beginning
25 December 1, 2015, a completed application under this section
26 expires 1 year from the date of application. Beginning December 1,
27 2015, the county clerk shall issue the applicant a receipt for his

1 or her application at the time the application is submitted
2 containing the name of the applicant, the applicant's state-issued
3 driver license or personal identification card number, the date and
4 time the receipt is issued, the amount paid, the name of the county
5 in which the receipt is issued, an impression of the county seal,
6 and the statement, "This receipt was issued for the purpose of
7 applying for a concealed pistol license and for obtaining
8 fingerprints related to that application. This receipt does not
9 authorize an individual to carry a concealed pistol in this
10 state.". The application shall contain all of the following:

11 (a) The applicant's legal name, date of birth, the address of
12 his or her primary residence, and, beginning December 1, 2015, his
13 or her state-issued driver license or personal identification card
14 number. Until November 30, 2015, if the applicant resides in a
15 city, village, or township that has a police department, the name
16 of the police department.

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

19 (c) Until November 30, 2015, a statement by the applicant
20 authorizing the concealed weapon licensing board to access any
21 record, including any medical record, pertaining to the applicant's
22 qualifications for a license to carry a concealed pistol under this
23 act. The applicant may request that information received by the
24 concealed weapon licensing board under this subdivision be reviewed
25 in a closed session. If the applicant requests that the session be
26 closed, the concealed weapon licensing board shall close the
27 session only for purposes of this subdivision. The applicant and

1 his or her representative have the right to be present in the
2 closed session. Beginning December 1, 2015, a statement by the
3 applicant authorizing the department of state police to access any
4 record needed to perform the verification in subsection (6).

5 (d) A statement by the applicant regarding whether he or she
6 has a history of mental illness that would disqualify him or her
7 under subsection (7)(j) to (l) from receiving a license to carry a
8 concealed pistol.

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

12 (i) Any felony.

13 (ii) A misdemeanor listed under subsection (7)(h) if the
14 applicant was convicted of that misdemeanor in the 8 years
15 immediately preceding the date of the application, or a misdemeanor
16 listed under subsection (7)(i) if the applicant was convicted of
17 that misdemeanor in the 3 years immediately preceding the date of
18 the application.

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

21 (g) Until November 30, 2015, if the applicant seeks a
22 temporary license, the facts supporting the issuance of that
23 temporary license.

24 (h) Until November 30, 2015, the names, residential addresses,
25 and telephone numbers of 2 individuals who are references for the
26 applicant.

27 (i) Until November 30, 2015, a passport-quality photograph of

1 the applicant provided by the applicant at the time of application.
2 Beginning December 1, 2015, if an applicant does not have a
3 digitized photograph on file with the secretary of state, a
4 passport-quality photograph of the applicant provided by the
5 applicant at the time of application.

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

8 (2) The county clerk shall not require the applicant to submit
9 any additional forms, documents, letters, or other evidence of
10 eligibility for obtaining a license to carry a concealed pistol
11 except as set forth in subsection (1) or as otherwise provided for
12 in this act. The application form shall contain a conspicuous
13 warning that the application is executed under oath and that
14 intentionally making a material false statement on the application
15 is a felony punishable by imprisonment for not more than 4 years or
16 a fine of not more than \$2,500.00, or both.

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

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

26 (5) Until November 30, 2015, each applicant shall pay a
27 nonrefundable application and licensing fee of \$105.00 by any

1 method of payment accepted by that county for payments of other
2 fees and penalties. Beginning December 1, 2015, each applicant
3 shall pay an application and licensing fee of \$100.00 by any method
4 of payment accepted by that county for payments of other fees and
5 penalties. Except as provided in subsection (9), no other charge,
6 fee, cost, or assessment, including any local charge, fee, cost, or
7 assessment, is required of the applicant except as specifically
8 authorized in this act. The application and licensing fee shall be
9 payable to the county. Until November 30, 2015, the county
10 treasurer shall deposit \$15.00 of each application and licensing
11 fee collected under this section in the general fund of the county
12 and credit that deposit to the credit of the county sheriff and
13 deposit \$26.00 of each fee collected under this section in the
14 concealed pistol licensing fund of that county created in section
15 5x. Beginning December 1, 2015, the county treasurer shall deposit
16 \$26.00 of each application and licensing fee collected under this
17 section in the concealed pistol licensing fund of that county
18 created in section 5x. The county treasurer shall forward the
19 balance remaining to the state treasurer. The state treasurer shall
20 deposit the balance of the fee in the general fund to the credit of
21 the department of state police. The department of state police
22 shall use the money received under this act to process the
23 fingerprints and to reimburse the Federal Bureau of Investigation
24 for the costs associated with processing fingerprints submitted
25 under this act. The balance of the money received under this act
26 shall be credited to the department of state police.

27 (6) Until November 30, 2015, the county sheriff on behalf of

1 the concealed weapon licensing board shall verify the requirements
2 of subsection (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m)
3 through the law enforcement information network and report his or
4 her finding to the concealed weapon licensing board. Beginning
5 December 1, 2015, the department of state police shall verify the
6 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),
7 and (m) through the law enforcement information network and the
8 national instant criminal background check system and shall report
9 to the county clerk all statutory disqualifications, if any, under
10 this act that apply to an applicant. Until November 30, 2015, if
11 the applicant resides in a city, village, or township that has a
12 police department, the concealed weapon licensing board shall
13 contact that city, village, or township police department to
14 determine only whether that city, village, or township police
15 department has any information relevant to the investigation of
16 whether the applicant is eligible under this act to receive a
17 license to carry a concealed pistol. Until November 30, 2015, the
18 concealed weapon licensing board may require a person claiming
19 active duty status with the United States armed forces under this
20 section to provide proof of 1 or both of the following:

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

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

23 (7) Until November 30, 2015, the concealed weapon licensing
24 board and, beginning December 1, 2015, the county clerk shall issue
25 and shall send by first-class mail a license to an applicant to
26 carry a concealed pistol within the period required under this act
27 if the concealed weapon licensing board or county clerk determines

1 that all of the following circumstances exist:

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

3 (b) The applicant is a citizen of the United States or is an
4 alien lawfully admitted into the United States, is a legal resident
5 of this state, and has resided in this state for not less than the
6 6 months immediately preceding the date of application. Until
7 November 30, 2015, the concealed weapon licensing board may waive
8 the 6-month residency requirement for a temporary license under
9 section 5a(8) if the concealed weapon licensing board determines
10 that there is probable cause to believe that the safety of the
11 applicant or the safety of a member of the applicant's family is
12 endangered by the applicant's inability to immediately obtain a
13 license to carry a concealed pistol. Until November 30, 2015, if
14 the applicant holds a valid concealed pistol license issued by
15 another state at the time the applicant's residency in this state
16 is established, the concealed weapon licensing board may waive the
17 6-month waiting period and the applicant may apply for a concealed
18 pistol license at the time the applicant's residency in this state
19 is established. Until November 30, 2015, the concealed weapon
20 licensing board shall immediately issue a temporary license to that
21 applicant. Until November 30, 2015, the temporary license is valid
22 until the concealed weapon licensing board decides whether to grant
23 or deny the application. Beginning December 1, 2015, the county
24 clerk shall waive the 6-month residency requirement for an
25 emergency license under section 5a(4) if the applicant is a
26 petitioner for a personal protection order issued under section
27 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.2950 and 600.2950a, or if the county sheriff determines
2 that there is clear and convincing evidence to believe that the
3 safety of the applicant or the safety of a member of the
4 applicant's family or household is endangered by the applicant's
5 inability to immediately obtain a license to carry a concealed
6 pistol. Beginning December 1, 2015, if the applicant holds a valid
7 concealed pistol license issued by another state at the time the
8 applicant's residency in this state is established, the county
9 clerk shall waive the 6-month waiting period and the applicant may
10 apply for a concealed pistol license at the time the applicant's
11 residency in this state is established. For the purposes of this
12 section, a person is considered a legal resident of this state if
13 any of the following apply:

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

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

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

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

25 (c) The applicant has knowledge and has had training in the
26 safe use and handling of a pistol by the successful completion of a
27 pistol safety training course or class that meets the requirements

1 of section 5j.

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

4 (i) Section 464a of the mental health code, 1974 PA 258, MCL
5 330.1464a.

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

8 (iii) Sections 2950 and 2950a of the revised judicature act of
9 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

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

26 (h) The applicant has not been convicted of a misdemeanor
27 violation of any of the following in the 8 years immediately

1 preceding the date of application and a charge for a misdemeanor
2 violation of any of the following is not pending against the
3 applicant in this state or elsewhere at the time he or she applies
4 for a license described in this section:

5 (i) Section 617a (failing to stop when involved in a personal
6 injury accident), section 625 as punishable under subsection (9)(b)
7 of that section (operating while intoxicated, second offense),
8 section 625m as punishable under subsection (4) of that section
9 (operating a commercial vehicle with alcohol content, second
10 offense), section 626 (reckless driving), or a violation of section
11 904(1) (operating while license suspended or revoked, second or
12 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
13 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

24 (v) Section 80176 as punishable under section 80177(1)(b)
25 (operating vessel under the influence of intoxicating liquor or a
26 controlled substance, second offense), section 81134 as punishable
27 under subsection (8)(b) of that section (operating ORV under the

1 influence of intoxicating liquor or a controlled substance, second
2 or subsequent offense), or section 82127 as punishable under
3 section 82128(1)(b) (operating snowmobile under the influence of
4 intoxicating liquor or a controlled substance, second offense) of
5 the natural resources and environmental protection act, 1994 PA
6 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

7 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
8 333.7403 (possession of controlled substance, controlled substance
9 analogue, or prescription form).

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

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

16 (ix) Section 81 (assault or domestic assault), section 81a(1)
17 or (2) (aggravated assault or aggravated domestic assault), section
18 115 (breaking and entering or entering without breaking), section
19 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
20 abuse), section 157b(3)(b) (solicitation to commit a felony),
21 section 215 (impersonating peace officer or medical examiner),
22 section 223 (illegal sale of a firearm or ammunition), section 224d
23 (illegal use or sale of a self-defense spray), section 226a (sale
24 or possession of a switchblade), section 227c (improper
25 transportation of a loaded firearm), section 229 (accepting a
26 pistol in pawn), section 232 (failure to register the purchase of a
27 firearm or a firearm component), section 232a (improperly obtaining

1 a pistol, making a false statement on an application to purchase a
2 pistol, or using false identification to purchase a pistol),
3 section 233 (intentionally aiming a firearm without malice),
4 section 234 (intentionally discharging a firearm aimed without
5 malice), section 234d (possessing a firearm on prohibited
6 premises), section 234e (brandishing a firearm in public), section
7 234f (possession of a firearm by an individual less than 18 years
8 of age), section 235 (intentionally discharging a firearm aimed
9 without malice causing injury), section 235a (parent of a minor who
10 possessed a firearm in a weapon free school zone), section 236
11 (setting a spring gun or other device), section 237 (possessing a
12 firearm while under the influence of intoxicating liquor or a
13 controlled substance), section 237a (weapon free school zone
14 violation), section 335a (indecent exposure), section 411h
15 (stalking), or section 520e (fourth degree criminal sexual conduct)
16 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
17 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,
18 750.226a, 750.227c, 750.229, 750.232, 750.232a, 750.233, 750.234,
19 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,
20 750.237a, 750.335a, 750.411h, and 750.520e.

21 (x) Former section 228 of the Michigan penal code, 1931 PA
22 328.

23 (xi) Section 1 (reckless, careless, or negligent use of a
24 firearm resulting in injury or death), section 2 (careless,
25 reckless, or negligent use of a firearm resulting in property
26 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
27 45, MCL 752.861, 752.862, and 752.863a.

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

5 (i) The applicant has not been convicted of a misdemeanor
6 violation of any of the following in the 3 years immediately
7 preceding the date of application unless the misdemeanor violation
8 is listed under subdivision (h) and a charge for a misdemeanor
9 violation of any of the following is not pending against the
10 applicant in this state or elsewhere at the time he or she applies
11 for a license described in this section:

12 (i) Section 625 (operating under the influence), section 625a
13 (refusal of commercial vehicle operator to submit to a chemical
14 test), section 625k (ignition interlock device reporting
15 violation), section 625l (circumventing an ignition interlock
16 device), or section 625m punishable under subsection (3) of that
17 section (operating a commercial vehicle with alcohol content) of
18 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
19 257.625k, 257.625l, and 257.625m.

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

23 (iii) Section 81134 (operating ORV under the influence or
24 operating ORV while visibly impaired), or section 82127 (operating
25 a snowmobile under the influence) of the natural resources and
26 environmental protection act, 1994 PA 451, MCL 324.81134 and
27 324.82127.

1 (iv) Part 74 of the public health code, 1978 PA 368, MCL
2 333.7401 to 333.7461 (controlled substance violation).

3 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
4 462.353, punishable under subsection (3) of that section (operating
5 locomotive under the influence).

6 (vi) Section 167 (disorderly person), section 174
7 (embezzlement), section 218 (false pretenses with intent to
8 defraud), section 356 (larceny), section 356d (second degree retail
9 fraud), section 359 (larceny from a vacant building or structure),
10 section 362 (larceny by conversion), section 362a (larceny -
11 defrauding lessor), section 377a (malicious destruction of
12 property), section 380 (malicious destruction of real property),
13 section 535 (receiving or concealing stolen property), or section
14 540e (malicious use of telecommunications service or device) of the
15 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
16 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
17 750.535, and 750.540e.

18 (vii) A violation of a law of the United States, another
19 state, or a local unit of government of this state or another state
20 substantially corresponding to a violation described in
21 subparagraphs (i) to (vi).

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

25 (k) The applicant is not currently and has never been subject
26 to an order of involuntary commitment in an inpatient or outpatient
27 setting due to mental illness.

1 (l) The applicant has filed a statement under subsection
2 (1)(d) that the applicant does not have a diagnosis of mental
3 illness that includes an assessment that the individual presents a
4 danger to himself or herself or to another at the time the
5 application is made, regardless of whether he or she is receiving
6 treatment for that illness.

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

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

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

23 (9) An individual, after submitting an application and paying
24 the fee prescribed under subsection (5), shall request that
25 classifiable fingerprints be taken by the county clerk, department
26 of state police, county sheriff, a local police agency, or other
27 entity, if the county clerk, department of state police, county

1 sheriff, local police agency, or other entity provides
2 fingerprinting capability for the purposes of this act. Beginning
3 December 1, 2015, an individual who has had classifiable
4 fingerprints taken under section 5a(4) does not need additional
5 fingerprints taken under this subsection. If the individual
6 requests that classifiable fingerprints be taken by the county
7 clerk, department of state police, county sheriff, a local police
8 agency, or other entity, the individual shall also pay a fee of
9 \$15.00 by any method of payment accepted for payments of other fees
10 and penalties. A county clerk shall deposit any fee it accepts
11 under this subsection in the concealed pistol licensing fund of
12 that county created in section 5x. The county clerk, department of
13 state police, county sheriff, local police agency, or other entity
14 shall take the fingerprints within 5 business days after the
15 request. County clerks, the department of state police, county
16 sheriffs, local police agencies, and other entities shall provide
17 reasonable access to fingerprinting services during normal business
18 hours as is necessary to comply with the requirements of this act
19 if the county clerk, department of state police, county sheriff,
20 local police agency, or other entity provides fingerprinting
21 capability for the purposes of this act. Beginning December 1,
22 2015, the entity providing fingerprinting services shall issue the
23 applicant a receipt at the time his or her fingerprints are taken.
24 Beginning December 1, 2015, the county clerk, department of state
25 police, county sheriff, local police agency, or other entity shall
26 not provide a receipt under this subsection unless the individual
27 requesting the fingerprints provides an application receipt

1 received under subsection (1). Beginning December 1, 2015, a
2 receipt under this subsection shall contain all of the following:

3 (a) The name of the applicant.

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

5 (c) The amount paid.

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

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

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

20 (10) The fingerprints shall be taken, under subsection (9), in
21 a manner prescribed by the department of state police. The
22 fingerprints taken by a county clerk, county sheriff, local police
23 agency, or other entity shall be immediately forwarded to the
24 department of state police for comparison with fingerprints already
25 on file with the department of state police. The department of
26 state police shall immediately forward the fingerprints to the
27 Federal Bureau of Investigation. Until November 30, 2015, within 10

1 days after receiving a report of the fingerprints from the Federal
2 Bureau of Investigation, the department of state police shall
3 provide a copy to the submitting sheriff's department or local
4 police agency as appropriate and the clerk of the appropriate
5 concealed weapon licensing board. Beginning December 1, 2015,
6 within 5 business days of completing the verification under
7 subsection (6), the department shall send the county clerk a list
8 of an applicant's statutory disqualifications under this act. Until
9 November 30, 2015, and except as provided in subsection (14), the
10 concealed weapon licensing board shall not issue a concealed pistol
11 license until it receives the fingerprint comparison report
12 prescribed in this subsection. Beginning December 1, 2015, and
13 except as provided in section 5a(4), the county clerk shall not
14 issue a concealed pistol license until he or she receives the
15 report of statutory disqualifications prescribed in this
16 subsection. Beginning December 1, 2015, if an individual's
17 fingerprints are not classifiable, the department of state police
18 shall, at no charge, take the individual's fingerprints again or
19 provide for the comparisons under this subsection to be conducted
20 through alternative means. Until November 30, 2015, the concealed
21 weapon licensing board may deny a license if an individual's
22 fingerprints are not classifiable by the Federal Bureau of
23 Investigation. Beginning December 1, 2015, the county clerk shall
24 not issue a notice of statutory disqualification because an
25 individual's fingerprints are not classifiable by the Federal
26 Bureau of Investigation.

27 (11) Until November 30, 2015, the concealed weapon licensing

1 board shall deny a license to an applicant to carry a concealed
2 pistol if the applicant is not qualified under subsection (7) to
3 receive that license. Beginning December 1, 2015, the county clerk
4 shall send by first-class mail a notice of statutory
5 disqualification for a license under this act to an applicant if
6 the applicant is not qualified under subsection (7) to receive that
7 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) Until November 30, 2015, and subject to subsections (10)
12 and (14), the concealed weapon licensing board shall issue or deny
13 issuance of a license within 45 days after the concealed weapon
14 licensing board receives the fingerprint comparison report provided
15 under subsection (10). Beginning December 1, 2015, and subject to
16 subsection (10), the department of state police shall complete the
17 verification required under subsection (6) and the county clerk
18 shall issue a license or a notice of statutory disqualification
19 within 45 days after the date the applicant has classifiable
20 fingerprints taken under subsection (9). Beginning December 1,
21 2015, the county clerk shall include an indication on the license
22 if an individual is exempt from the prohibitions against carrying a
23 concealed pistol on premises described in section 50 if the
24 applicant provides acceptable proof that he or she qualifies for
25 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**
26 **INDORSEMENT ON HIS OR HER APPLICATION FORM.** Until November 30,
27 2015, if the concealed weapon licensing board denies issuance of a

1 license to carry a concealed pistol, or beginning December 1, 2015,
2 if the county clerk issues a notice of statutory disqualification,
3 the concealed weapon licensing board or the county clerk, as
4 appropriate, shall within 5 business days do all of the following:

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

8 (i) Until November 30, 2015, a statement of the specific and
9 articulable facts supporting the denial. Beginning December 1,
10 2015, a statement of each statutory disqualification identified.

11 (ii) Until November 30, 2015, copies of any writings,
12 photographs, records, or other documentary evidence upon which the
13 denial is based. Beginning December 1, 2015, the source of the
14 record for each statutory disqualification identified.

15 (iii) Beginning December 1, 2015, the contact information for
16 the source of the record for each statutory disqualification
17 identified.

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

21 (c) Beginning December 1, 2015, inform the applicant that he
22 or she should contact the source of the record for any statutory
23 disqualification to correct any errors in the record resulting in
24 the statutory disqualification.

25 (14) Until November 30, 2015, if the fingerprint comparison
26 report is not received by the concealed weapon licensing board
27 within 60 days after the fingerprint report is forwarded to the

1 department of state police by the Federal Bureau of Investigation,
2 the concealed weapon licensing board shall issue a temporary
3 license to carry a concealed pistol to the applicant if the
4 applicant is otherwise qualified for a license. Until November 30,
5 2015, a temporary license issued under this section is valid for
6 180 days or until the concealed weapon licensing board receives the
7 fingerprint comparison report provided under subsection (10) and
8 issues or denies issuance of a license to carry a concealed pistol
9 as otherwise provided under this act. Until November 30, 2015, upon
10 issuance or the denial of issuance of the license to carry a
11 concealed pistol to an applicant who received a temporary license
12 under this section, the applicant shall immediately surrender the
13 temporary license to the concealed weapon licensing board that
14 issued that temporary license. Beginning December 1, 2015, if a
15 license or notice of statutory disqualification is not issued under
16 subsection (13) within 45 days after the date the applicant has
17 classifiable fingerprints taken under subsection (9), the receipt
18 issued under subsection (9) shall serve as a concealed pistol
19 license for purposes of this act when carried with a state-issued
20 driver license or personal identification card and is valid until a
21 license or notice of statutory disqualification is issued by the
22 county clerk.

23 (15) If an individual licensed under this act to carry a
24 concealed pistol moves to a different county within this state, his
25 or her license remains valid until it expires or is otherwise
26 suspended or revoked under this act. Beginning December 1, 2015, an
27 individual may notify a county clerk that he or she has moved to a

1 different address within this state for the purpose of receiving
2 the notice under section 5l(1). A license to carry a concealed
3 pistol that is lost, stolen, or defaced may be replaced by the
4 issuing county clerk for a replacement fee of \$10.00. A county
5 clerk shall deposit a replacement fee under this subsection in the
6 concealed pistol licensing fund of that county created in section
7 5x.

8 (16) If a license issued under this act is suspended or
9 revoked, the license is forfeited and the individual shall return
10 the license to the county clerk forthwith by mail or in person.
11 Beginning December 1, 2015, the county clerk shall retain a
12 suspended or revoked license as an official record 1 year after the
13 expiration of the license, unless the license is reinstated or a
14 new license is issued. Beginning December 1, 2015, the county clerk
15 shall notify the department of state police if a license is
16 suspended or revoked. Beginning December 1, 2015, the department of
17 state police shall enter that suspension or revocation into the law
18 enforcement information network. An individual who fails to return
19 a license as required under this subsection after he or she was
20 notified that his or her license was suspended or revoked is guilty
21 of a misdemeanor punishable by imprisonment for not more than 93
22 days or a fine of not more than \$500.00, or both.

23 (17) An applicant or an individual licensed under this act to
24 carry a concealed pistol may be furnished a copy of his or her
25 application under this section upon request and the payment of a
26 reasonable fee not to exceed \$1.00. The county clerk shall deposit
27 any fee collected under this subsection in the concealed pistol

1 licensing fund of that county created in section 5x.

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

6 (19) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION
7 FROM SECTION 5o AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL
8 OR RENEWAL LICENSE UNDER THIS ACT IS NOT REQUIRED TO PAY ANY
9 ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO
10 APPLIES FOR AN EXEMPTION FROM SECTION 5o AT A TIME OTHER THAN AT
11 THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE
12 UNDER THIS ACT MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN \$20.00
13 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE EXEMPTION
14 AND ISSUING A REPLACEMENT LICENSE. THE EXEMPTION SHALL APPEAR AS AN
15 INDORSEMENT ON THE FACE OF THE LICENSE. THE FEE COLLECTED UNDER
16 THIS SUBSECTION SHALL BE DEPOSITED IN THE CONCEALED PISTOL
17 LICENSING FUND OF THE COUNTY CREATED UNDER SECTION 5X.

18 (20) ~~(19)~~ Beginning December 1, 2015, a county clerk issuing
19 an initial license or renewal license under this act shall mail the
20 license to the licensee by first-class mail in a sealed envelope.
21 Beginning December 1, 2015, upon payment of the fee under
22 subsection (15), a county clerk shall issue a replacement license
23 in person at the time of application for a replacement license
24 unless the applicant requests that it be delivered by first-class
25 mail.

26 (21) ~~(20)~~ A county clerk, county sheriff, county prosecuting
27 attorney, police department, or the department of state police is

1 not liable for civil damages as a result of the issuance of a
2 license under this act to an individual who later commits a crime
3 or a negligent act.

4 (22) ~~(21)~~ Beginning December 1, 2015, an individual licensed
5 under this act to carry a concealed pistol may voluntarily
6 surrender that license without explanation. Beginning December 1,
7 2015, a county clerk shall retain a surrendered license as an
8 official record for 1 year after the license is surrendered.
9 Beginning December 1, 2015, if an individual voluntarily surrenders
10 a license under this subsection, the county clerk shall notify the
11 department of state police. Beginning December 1, 2015, the
12 department of state police shall enter into the law enforcement
13 information network that the license was voluntarily surrendered
14 and the date the license was voluntarily surrendered.

15 (23) ~~(22)~~ As used in this section:

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

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

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

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

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

4 (iv) For an individual who is a corrections officer of a
5 county sheriff's department, his or her employee identification.

6 (v) For an individual who is a motor carrier officer or
7 capitol security officer of the department of state police, his or
8 her employee identification.

9 (vi) For an individual who is a member of a sheriff's posse,
10 his or her identification.

11 (vii) For an individual who is an auxiliary officer or reserve
12 officer of a police or sheriff's department, his or her employee
13 identification.

14 (viii) For an individual who is a parole or probation officer
15 of the department of corrections, his or her employee
16 identification.

17 (ix) For a state court judge or state court retired judge, a
18 letter from the judicial tenure commission stating that the state
19 court judge or state court retired judge is in good standing.

20 (x) For an individual who is a court officer, his or her
21 employee identification.

22 (xi) For a retired federal law enforcement officer, the
23 identification required under the law enforcement officers safety
24 act or a letter from a law enforcement agency stating that the
25 retired federal law enforcement officer retired in good standing.

26 (b) "Convicted" means a final conviction, the payment of a
27 fine, a plea of guilty or nolo contendere if accepted by the court,

1 or a finding of guilt for a criminal law violation or a juvenile
2 adjudication or disposition by the juvenile division of probate
3 court or family division of circuit court for a violation that if
4 committed by an adult would be a crime.

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

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

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

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

25 Sec. 5d. (1) If the county clerk issues a notice of statutory
26 disqualification, fails to provide a receipt that complies with
27 section 5b(1) or 5(3), **FAILS TO PROVIDE AN EXEMPTION FROM THE**

1 **PROHIBITIONS SET FORTH IN SECTION 5o**, or fails to issue a license
2 to carry a concealed pistol as provided in this act, the department
3 of state police fails to provide a receipt that complies with
4 section 5l(3), or the county clerk, department of state police,
5 county sheriff, local police agency, or other entity fails to
6 provide a receipt that complies with section 5b(9), the applicant
7 may appeal the notice of statutory disqualification, the failure to
8 provide a receipt, **THE FAILURE TO PROVIDE AN EXEMPTION**, or the
9 failure to issue the license to the circuit court in the judicial
10 circuit in which he or she resides. The appeal of the notice of
11 statutory disqualification, failure to provide a receipt, **FAILURE**
12 **TO PROVIDE AN EXEMPTION**, or failure to issue a license shall be
13 determined by a review of the record for error.

14 (2) If the court determines that the notice of statutory
15 disqualification, failure to provide a receipt that complies with
16 section 5b(1) or (9) or 5l(3), or failure to issue a license was
17 clearly erroneous or was arbitrary and capricious, the court shall
18 order the county clerk to issue a license or receipt as required by
19 this act. For applications submitted after November 30, 2015, if
20 the court determines that the notice of statutory disqualification,
21 failure to provide a receipt that complies with section 5b(1) or
22 (9) or 5l(3), **FAILURE TO PROVIDE AN EXEMPTION**, or failure to issue
23 a license was clearly erroneous, the court may order an entity to
24 refund any filing fees the applicant incurred in filing the appeal,
25 according to the degree of responsibility of that entity.

26 (3) For applications submitted before December 1, 2015, if the
27 court determines that the decision of the concealed weapon

1 licensing board to deny issuance of a license to an applicant was
2 arbitrary and capricious, the court shall order this state to pay
3 1/3 and the county in which the concealed weapon licensing board is
4 located to pay 2/3 of the actual costs and actual attorney fees of
5 the applicant in appealing the denial. For applications submitted
6 on or after December 1, 2015, if the court under subsection (2)
7 determines that the notice of statutory disqualification, failure
8 to provide a receipt that complies with section 5b(1) or (9) or
9 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or failure to issue a
10 license to an applicant was arbitrary and capricious, the court
11 shall order the county clerk, the entity taking the fingerprints,
12 or the state to pay the actual costs and actual attorney fees of
13 the applicant in appealing the notice of statutory
14 disqualification, failure to provide a receipt that complies with
15 section 5b(1) or (9) or 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or
16 failure to issue a license, according to the degree of
17 responsibility of the county clerk, the entity taking the
18 fingerprints, or the state.

19 (4) If the court determines that an applicant's appeal was
20 frivolous, the court shall order the applicant to pay the actual
21 costs and actual attorney fees of the county clerk, entity taking
22 the fingerprints, or the state in responding to the appeal.

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

27 (a) A school or school property except that a parent or legal

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

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

10 (c) A sports arena or stadium.

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

24 (e) Any property or facility owned or operated by a church,
25 synagogue, mosque, temple, or other place of worship, unless the
26 presiding official or officials of the church, synagogue, mosque,
27 temple, or other place of worship permit the carrying of concealed

1 pistol on that property or facility.

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

7 (g) A hospital.

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

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

13 (3) An individual licensed under this act to carry a concealed
14 pistol, or who is exempt from licensure under section 12a(1)(h),
15 shall not carry a concealed pistol in violation of R 432.1212 or a
16 successor rule of the Michigan administrative code promulgated
17 under the Michigan gaming control and revenue act, 1996 IL 1, MCL
18 432.201 to 432.226.

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

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

23 (a) An individual licensed under this act who is a retired
24 police officer, retired law enforcement officer, or retired federal
25 law enforcement officer.

26 (b) An individual who is licensed under this act and who is
27 employed or contracted by an entity described under subsection (1)

1 to provide security services and is required by his or her employer
2 or the terms of a contract to carry a concealed firearm on the
3 premises of the employing or contracting entity.

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

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

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

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

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

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

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

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

23 **(K) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**
24 **FROM SUBSECTIONS (1) AND (2) BY THE LICENSING AUTHORITY. AN**
25 **INDIVIDUAL IS ELIGIBLE FOR AN EXEMPTION FROM SUBSECTIONS (1) AND**
26 **(2) ONLY IF THE INDIVIDUAL REQUESTS AN EXEMPTION ON HIS OR HER**
27 **LICENSE APPLICATION.**

1 (6) THE COUNTY CLERK SHALL, WITHIN 10 DAYS AFTER RECEIVING AN
2 APPLICATION FOR AN EXEMPTION UNDER SUBSECTION (5) (K), ISSUE THE
3 EXEMPTION AND SEND BY FIRST-CLASS MAIL IN A SEALED ENVELOPE A
4 REPLACEMENT LICENSE TO THE APPLICANT WITH THE EXEMPTION
5 INDORSEMENT.

6 (7) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A
7 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION
8 UNDER SUBSECTION (5) (K), THE APPLICANT SHALL SURRENDER HIS OR HER
9 LICENSE TO THE LICENSING AUTHORITY BY MAIL OR IN PERSON IMMEDIATELY
10 UPON RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE
11 EXEMPTION INDORSEMENT.

12 (8) THIS SECTION DOES NOT PROHIBIT A PRIVATE PROPERTY OWNER
13 FROM PROHIBITING AN INDIVIDUAL FROM CARRYING A PISTOL, INCLUDING A
14 PISTOL THAT IS OPENLY DISPLAYED OR CARRIED IN VIOLATION OF
15 SUBSECTION (9), ON THE PREMISES OF PROPERTY DESCRIBED IN SUBSECTION
16 (1) AND ENFORCING THAT PROHIBITION UNDER SECTION 552 OF THE
17 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.552.

18 (9) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED
19 PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(1) (H),
20 SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL ON THE
21 PREMISES LISTED IN SUBSECTION (1) (A) TO (H) UNLESS THE INDIVIDUAL
22 OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS EMPLOYED OR
23 CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL OVER THE
24 PREMISES DESCRIBED IN SUBSECTION (1), IF THE POSSESSION OF THE
25 FIREARM IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS
26 OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES, OR THE
27 INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER

1 OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES.

2 (10) ~~(6)~~—An individual who violates this section is
3 responsible for a state civil infraction or guilty of a crime as
4 follows:

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

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

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