

HOUSE BILL No. 4097

January 29, 2019, Introduced by Reps. Rendon, Slagh, Calley, Howell, Stone, Crawford, Chirkun, Frederick, Leutheuser, Allor and Gay-Dagnogo and referred to the Committee on Military, Veterans and Homeland Security.

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 1, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) As used in this act:
- 2 (a) "Corrections officer of the department of corrections"
- 3 means a state correctional officer as that term is defined in

1 section 2 of the correctional officers' training act of 1982, 1982
2 PA 415, MCL 791.502.

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

10 (c) "Firearm" means any weapon which will, is designed to, or
11 may readily be converted to expel a projectile by action of an
12 explosive.

13 (d) "Firearms records" means any form, information, or record
14 required for submission to a government agency under sections 2,
15 2a, 2b, and 5b, or any form, permit, or license issued by a
16 government agency under this act.

17 (e) "Local corrections officer" means that term as defined in
18 section 2 of the local corrections officers training act, 2003 PA
19 125, MCL 791.532.

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

26 (g) "Parole or probation officer of the department of
27 corrections" means any individual employed by the department of

1 corrections to supervise felony probationers or parolees or that
2 individual's immediate supervisor.

3 (h) "Peace officer" means, except as otherwise provided in
4 this act, an individual who is employed as a law enforcement
5 officer, as that term is defined under section 2 of the Michigan
6 commission on law enforcement standards act, 1965 PA 203, MCL
7 28.602, by this state or another state, a political subdivision of
8 this state or another state, or the United States, and who is
9 required to carry a firearm in the course of his or her duties as a
10 law enforcement officer.

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

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

16 **(K) "QUALIFIED RETIRED LAW ENFORCEMENT OFFICER" MEANS THAT**
17 **TERM AS DEFINED IN 18 USC 926C.**

18 **(l)** ~~(k)~~—"Reserve peace officer", "auxiliary officer", or
19 "reserve officer" means, except as otherwise provided in this act,
20 an individual authorized on a voluntary or irregular basis by a
21 duly authorized police agency of this state or a political
22 subdivision of this state to act as a law enforcement officer, who
23 is responsible for the preservation of the peace, the prevention
24 and detection of crime, and the enforcement of the general criminal
25 laws of this state, and who is otherwise eligible to possess a
26 firearm under this act.

27 **(M)** ~~(l)~~—"Retired corrections officer of the department of

1 corrections" means an individual who was a corrections officer of
2 the department of corrections and who retired in good standing from
3 his or her employment as a corrections officer of the department of
4 corrections.

5 **(N)** ~~(m)~~—"Retired federal law enforcement officer" means an
6 individual who was an officer or agent employed by a law
7 enforcement agency of the United States government whose primary
8 responsibility was enforcing laws of the United States, who was
9 required to carry a firearm in the course of his or her duties as a
10 law enforcement officer, and who retired in good standing from his
11 or her employment as a federal law enforcement officer.

12 **(O)** ~~(n)~~—"Retired parole or probation officer of the department
13 of corrections" means an individual who was a parole or probation
14 officer of the department of corrections and who retired in good
15 standing from his or her employment as a parole or probation
16 officer of the department of corrections.

17 **(P)** ~~(o)~~—"Retired police officer" or "retired law enforcement
18 officer" means an individual who was a police officer or law
19 enforcement officer who was licensed or certified as described in
20 the Michigan commission on law enforcement standards act, 1965 PA
21 203, MCL 28.601 to 28.615, and retired in good standing from his or
22 her employment as a police officer or law enforcement officer. A
23 police officer or law enforcement officer retired in good standing
24 if he or she receives a pension or other retirement benefit for his
25 or her service as a police officer or law enforcement officer or
26 actively maintained a Michigan commission on law enforcement
27 standards or equivalent state certification or license from this

1 state or another state for not less than 10 consecutive years.

2 (Q) ~~(p)~~ "Seller" means a person who sells or gives a pistol to
3 another person.

4 (R) ~~(q)~~ "State court judge" means a judge of the district
5 court, circuit court, probate court, or court of appeals or justice
6 of the supreme court of this state who is serving either by
7 election or appointment.

8 (S) ~~(r)~~ "State court retired judge" means a judge or justice
9 described in subdivision ~~(q)~~ (R) who is retired, or a retired judge
10 of the recorders court.

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

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

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

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

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

26 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
27 an individual shall apply to the county clerk in the county in

1 which the individual resides. The applicant shall file the
2 application with the county clerk in the county in which the
3 applicant resides during the county clerk's normal business hours.
4 The application must be on a form provided by the director of the
5 department of state police and allow the applicant to designate
6 whether the applicant seeks an emergency license. The applicant
7 shall sign the application under oath. The county clerk or his or
8 her representative shall administer the oath. An application under
9 this subsection is not considered complete until an applicant
10 submits all of the required information and fees and has
11 fingerprints taken under subsection (9). An application under this
12 subsection is considered withdrawn if an applicant does not have
13 fingerprints taken under subsection (9) within 45 days of the date
14 an application is filed under this subsection. A completed
15 application and all receipts issued under this section expire 1
16 year from the date of application. The county clerk shall issue the
17 applicant a receipt for his or her application at the time the
18 application is submitted containing the name of the applicant, the
19 applicant's state-issued driver license or personal identification
20 card number, the date and time the receipt is issued, the amount
21 paid, the name of the county in which the receipt is issued, an
22 impression of the county seal, and the statement, "This receipt was
23 issued for the purpose of applying for a concealed pistol license
24 and for obtaining fingerprints related to that application. This
25 receipt does not authorize an individual to carry a concealed
26 pistol in this state.". The application must contain all of the
27 following:

1 (a) The applicant's legal name, date of birth, the address of
2 his or her primary residence, and his or her state-issued driver
3 license or personal identification card number.

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

6 (c) A statement by the applicant authorizing the department of
7 state police to access any record needed to perform the
8 verification in subsection (6).

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

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

16 (i) Any felony.

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

23 (f) A statement by the applicant whether he or she has been
24 dishonorably discharged from the United States Armed Forces.

25 (g) If an applicant does not have a digitized photograph on
26 file with the secretary of state, a passport-quality photograph of
27 the applicant provided by the applicant at the time of application.

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

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

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

16 (4) The county clerk shall retain a copy of each application
17 for a license to carry a concealed pistol as an official record.
18 One year after the expiration of a concealed pistol license, the
19 county clerk may destroy the record and a name index of the record
20 shall be maintained in the database created in section 5e.

21 (5) Each applicant shall pay a nonrefundable application and
22 licensing fee of \$100.00 by any method of payment accepted by that
23 county for payments of other fees and penalties. Except as provided
24 in subsection (9), no other charge, fee, cost, or assessment,
25 including any local charge, fee, cost, or assessment, is required
26 of the applicant except as specifically authorized in this act. The
27 applicant shall pay the application and licensing fee to the

1 county. The county treasurer shall deposit \$26.00 of each
2 application and licensing fee collected under this section in the
3 concealed pistol licensing fund of that county created in section
4 5x. The county treasurer shall forward the balance remaining to the
5 state treasurer. The state treasurer shall deposit the balance of
6 the fee in the general fund to the credit of the department of
7 state police. The department of state police shall use the money
8 received under this act to process the fingerprints and to
9 reimburse the Federal Bureau of Investigation for the costs
10 associated with processing fingerprints submitted under this act.
11 The balance of the money received under this act must be credited
12 to the department of state police.

13 (6) The department of state police shall verify the
14 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),
15 and (m) through the law enforcement information network and the
16 national instant criminal background check system and shall report
17 to the county clerk all statutory disqualifications, if any, under
18 this act that apply to an applicant.

19 (7) The county clerk shall issue and shall send by first-class
20 mail a license to an applicant to carry a concealed pistol within
21 the period required under this act if the county clerk determines
22 that all of the following circumstances exist:

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

24 (b) The applicant is a citizen of the United States or is an
25 alien lawfully admitted into the United States, is a legal resident
26 of this state, and has resided in this state for not less than the
27 6 months immediately preceding the date of application. The county

1 clerk shall waive the 6-month residency requirement for an
2 emergency license under section 5a(4) if the applicant is a
3 petitioner for a personal protection order issued under section
4 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
5 MCL 600.2950 and 600.2950a, or if the county sheriff determines
6 that there is clear and convincing evidence to believe that the
7 safety of the applicant or the safety of a member of the
8 applicant's family or household is endangered by the applicant's
9 inability to immediately obtain a license to carry a concealed
10 pistol. If the applicant holds a valid concealed pistol license
11 issued by another state at the time the applicant's residency in
12 this state is established, the county clerk shall waive the 6-month
13 residency requirement and the applicant may apply for a concealed
14 pistol license at the time the applicant's residency in this state
15 is established. For the purposes of this section, an individual is
16 considered a legal resident of this state if any of the following
17 apply:

18 (i) The individual has a valid, lawfully obtained driver
19 license issued under the Michigan vehicle code, 1949 PA 300, MCL
20 257.1 to 257.923, or official state personal identification card
21 issued under 1972 PA 222, MCL 28.291 to 28.300.

22 (ii) The individual is lawfully registered to vote in this
23 state.

24 (iii) The individual is on active duty status with the United
25 States Armed Forces and is stationed outside of this state, but the
26 individual's home of record is in this state.

27 (iv) The individual is on active duty status with the United

1 States Armed Forces and is permanently stationed in this state, but
2 the individual's home of record is in another state.

3 (c) The applicant has knowledge and has had training in the
4 safe use and handling of a pistol by the successful completion of a
5 pistol safety training course or class that meets the requirements
6 of section 5j.

7 (d) Based solely on the report received from the department of
8 state police under subsection (6), the applicant is not the subject
9 of an order or disposition under any of the following:

10 (i) Section 464a of the mental health code, 1974 PA 258, MCL
11 330.1464a.

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

14 (iii) Sections 2950 and 2950a of the revised judicature act of
15 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

22 (e) Based solely on the report received from the department of
23 state police under subsection (6), the applicant is not prohibited
24 from possessing, using, transporting, selling, purchasing,
25 carrying, shipping, receiving, or distributing a firearm under
26 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

27 (f) Based solely on the report received from the department of

1 state police under subsection (6), the applicant has never been
2 convicted of a felony in this state or elsewhere, and a felony
3 charge against the applicant is not pending in this state or
4 elsewhere at the time he or she applies for a license described in
5 this section.

6 (g) The applicant has not been dishonorably discharged from
7 the United States Armed Forces.

8 (h) Based solely on the report received from the department of
9 state police under subsection (6), the applicant has not been
10 convicted of a misdemeanor violation of any of the following in the
11 8 years immediately preceding the date of application and a charge
12 for a misdemeanor violation of any of the following is not pending
13 against the applicant in this state or elsewhere at the time he or
14 she applies for a license described in this section:

15 (i) Section 617a (failing to stop when involved in a personal
16 injury accident), section 625 as punishable under subsection (9)(b)
17 of that section (operating while intoxicated, second offense),
18 section 625m as punishable under subsection (4) of that section
19 (operating a commercial vehicle with alcohol content, second
20 offense), section 626 (reckless driving), or a violation of section
21 904(1) (operating while license suspended or revoked, second or
22 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
23 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

7 (v) Section 80176 as punishable under section 80177(1)(b)
8 (operating vessel under the influence of intoxicating liquor or a
9 controlled substance, second offense), section 81134 as punishable
10 under subsection (8)(b) of that section (operating ORV under the
11 influence of intoxicating liquor or a controlled substance, second
12 or subsequent offense), or section 82127 as punishable under
13 section 82128(1)(b) (operating snowmobile under the influence of
14 intoxicating liquor or a controlled substance, second offense) of
15 the natural resources and environmental protection act, 1994 PA
16 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

17 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
18 333.7403 (possession of controlled substance, controlled substance
19 analogue, or prescription form).

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

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

26 (ix) Section 81 (assault or domestic assault), section 81a(1)
27 or (2) (aggravated assault or aggravated domestic assault), section

1 115 (breaking and entering or entering without breaking), section
2 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
3 abuse), section 157b(3)(b) (solicitation to commit a felony),
4 section 215 (impersonating peace officer or medical examiner),
5 section 223 (illegal sale of a firearm or ammunition), section 224d
6 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
7 ~~or possession of a switchblade)~~, section 227c (improper
8 transportation of a loaded firearm), section 229 (accepting a
9 pistol in pawn), section 232a (improperly obtaining a pistol,
10 making a false statement on an application to purchase a pistol, or
11 using false identification to purchase a pistol), section 233
12 (intentionally aiming a firearm without malice), section 234
13 (intentionally discharging a firearm aimed without malice), section
14 234d (possessing a firearm on prohibited premises), section 234e
15 (brandishing a firearm in public), section 234f (possession of a
16 firearm by an individual less than 18 years of age), section 235
17 (intentionally discharging a firearm aimed without malice causing
18 injury), section 235a (parent of a minor who possessed a firearm in
19 a weapon free school zone), section 236 (setting a spring gun or
20 other device), section 237 (possessing a firearm while under the
21 influence of intoxicating liquor or a controlled substance),
22 section 237a (weapon free school zone violation), section 335a
23 (indecent exposure), section 411h (stalking), or section 520e
24 (fourth degree criminal sexual conduct) of the Michigan penal code,
25 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
26 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,
27 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,

1 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
2 750.520e.

3 (x) Former section ~~228~~**226A** of the Michigan penal code, 1931
4 PA 328.

5 (xi) Section 1 (reckless, careless, or negligent use of a
6 firearm resulting in injury or death), section 2 (careless,
7 reckless, or negligent use of a firearm resulting in property
8 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
9 45, MCL 752.861, 752.862, and 752.863a.

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

14 (i) Based solely on the report received from the department of
15 state police under subsection (6), the applicant has not been
16 convicted of a misdemeanor violation of any of the following in the
17 3 years immediately preceding the date of application unless the
18 misdemeanor violation is listed under subdivision (h) and a charge
19 for a misdemeanor violation of any of the following is not pending
20 against the applicant in this state or elsewhere at the time he or
21 she applies for a license described in this section:

22 (i) Section 625 (operating under the influence), section 625a
23 (refusal of commercial vehicle operator to submit to a chemical
24 test), section 625k (ignition interlock device reporting
25 violation), section 625l (circumventing an ignition interlock
26 device), or section 625m punishable under subsection (3) of that
27 section (operating a commercial vehicle with alcohol content) of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
2 257.625k, 257.625l, and 257.625m.

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

6 (iii) Section 81134 (operating ORV under the influence or
7 operating ORV while visibly impaired), or section 82127 (operating
8 a snowmobile under the influence) of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.81134 and
10 324.82127.

11 (iv) Part 74 of the public health code, 1978 PA 368, MCL
12 333.7401 to 333.7461 (controlled substance violation).

13 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
14 462.353, punishable under subsection (3) of that section (operating
15 locomotive under the influence).

16 (vi) Section 167 (disorderly person), section 174
17 (embezzlement), section 218 (false pretenses with intent to
18 defraud), section 356 (larceny), section 356d (second degree retail
19 fraud), section 359 (larceny from a vacant building or structure),
20 section 362 (larceny by conversion), section 362a (larceny -
21 defrauding lessor), section 377a (malicious destruction of
22 property), section 380 (malicious destruction of real property),
23 section 535 (receiving or concealing stolen property), or section
24 540e (malicious use of telecommunications service or device) of the
25 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
26 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
27 750.535, and 750.540e.

1 (vii) 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 (vi).

5 (j) Based solely on the report received from the department of
6 state police under subsection (6), the applicant has not been found
7 guilty but mentally ill of any crime and has not offered a plea of
8 not guilty of, or been acquitted of, any crime by reason of
9 insanity.

10 (k) Based solely on the report received from the department of
11 state police under subsection (6), the applicant is not currently
12 and has never been subject to an order of involuntary commitment in
13 an inpatient or outpatient setting due to mental illness.

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

20 (m) Based solely on the report received from the department of
21 state police under subsection (6), the applicant is not under a
22 court order of legal incapacity in this state or elsewhere.

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

25 (8) Upon entry of a court order or conviction of 1 of the
26 enumerated prohibitions for using, transporting, selling,
27 purchasing, carrying, shipping, receiving, or distributing a

1 firearm in this section the department of state police shall
2 immediately enter the order or conviction into the law enforcement
3 information network. For purposes of this act, information of the
4 court order or conviction must not be removed from the law
5 enforcement information network, but may be moved to a separate
6 file intended for the use of the department of state police, the
7 courts, and other government entities as necessary and exclusively
8 to determine eligibility to be licensed under this act.

9 (9) An individual, after submitting an application and paying
10 the fee prescribed under subsection (5), shall request that
11 classifiable fingerprints be taken by a county clerk, the
12 department of state police, a county sheriff, a local police
13 agency, or other entity, if the county clerk, department of state
14 police, county sheriff, local police agency, or other entity
15 provides fingerprinting capability for the purposes of this act. An
16 individual who has had classifiable fingerprints taken under
17 section 5a(4) does not need additional fingerprints taken under
18 this subsection. If the individual requests that classifiable
19 fingerprints be taken by the county clerk, department of state
20 police, county sheriff, a local police agency, or other entity, the
21 individual shall also pay a fee of \$15.00 by any method of payment
22 accepted for payments of other fees and penalties. A county clerk
23 shall deposit any fee it accepts under this subsection in the
24 concealed pistol licensing fund of that county created in section
25 5x. The county clerk, department of state police, county sheriff,
26 local police agency, or other entity shall take the fingerprints
27 within 5 business days after the request. County clerks, the

1 department of state police, county sheriffs, local police agencies,
2 and other entities shall provide reasonable access to
3 fingerprinting services during normal business hours as is
4 necessary to comply with the requirements of this act if the county
5 clerk, department of state police, county sheriff, local police
6 agency, or other entity provides fingerprinting capability for the
7 purposes of this act. The entity providing fingerprinting services
8 shall issue the individual a receipt at the time his or her
9 fingerprints are taken. The county clerk, department of state
10 police, county sheriff, local police agency, or other entity shall
11 not provide a receipt under this subsection unless the individual
12 requesting the fingerprints provides an application receipt
13 received under subsection (1). A receipt under this subsection must
14 contain all of the following:

- 15 (a) The name of the individual.
- 16 (b) The date and time the receipt is issued.
- 17 (c) The amount paid.
- 18 (d) The name of the entity providing the fingerprint services.
- 19 (e) The individual's state-issued driver license or personal
20 identification card number.
- 21 (f) The statement "This receipt was issued for the purpose of
22 applying for a concealed pistol license. As provided in section 5b
23 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
24 disqualification is not issued within 45 days after the date this
25 receipt was issued, this receipt shall serve as a concealed pistol
26 license for the individual named in the receipt when carried with
27 an official state-issued driver license or personal identification

1 card. The receipt is valid as a license until a license or notice
2 of statutory disqualification is issued by the county clerk. This
3 receipt does not exempt the individual named in the receipt from
4 complying with all applicable laws for the purchase of firearms.".

5 (10) The fingerprints must be taken, under subsection (9), in
6 a manner prescribed by the department of state police. The county
7 clerk, county sheriff, local police agency, or other entity shall
8 immediately forward the fingerprints taken by that entity to the
9 department of state police for comparison with fingerprints already
10 on file with the department of state police. The department of
11 state police shall immediately forward the fingerprints to the
12 Federal Bureau of Investigation. Within 5 business days after
13 completing the verification under subsection (6), the department
14 shall send the county clerk a list of an individual's statutory
15 disqualifications under this act. Except as provided in section
16 5a(4), the county clerk shall not issue a concealed pistol license
17 until he or she receives the report of statutory disqualifications
18 prescribed in this subsection. If an individual's fingerprints are
19 not classifiable, the department of state police shall, at no
20 charge, take the individual's fingerprints again or provide for the
21 comparisons under this subsection to be conducted through
22 alternative means. The county clerk shall not issue a notice of
23 statutory disqualification because an individual's fingerprints are
24 not classifiable by the Federal Bureau of Investigation.

25 (11) The county clerk shall send by first-class mail a notice
26 of statutory disqualification for a license under this act to an
27 individual if the individual is not qualified under subsection (7)

1 to receive that license.

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

5 (13) Subject to subsection (10), the department of state
6 police shall complete the verification required under subsection
7 (6) and the county clerk shall issue a license or a notice of
8 statutory disqualification within 45 days after the date the
9 individual has classifiable fingerprints taken under subsection
10 (9). The county clerk shall include an indication on the license if
11 an individual is exempt from the prohibitions against carrying a
12 concealed pistol on premises described in section 5o if the
13 applicant provides acceptable proof that he or she qualifies for
14 that exemption. If the county clerk receives notice from a county
15 sheriff or chief law enforcement officer that a licensee is no
16 longer a member of a sheriff's posse, an auxiliary officer, or a
17 reserve officer, the county clerk shall notify the licensee that he
18 or she shall surrender the concealed pistol license indicating that
19 the individual is exempt from the prohibitions against carrying a
20 concealed pistol on premises described in section 5o. The licensee
21 shall, within 30 days after receiving notice from the county clerk,
22 surrender the license indicating that the individual is exempt from
23 the prohibitions against carrying a concealed pistol on premises
24 described in section 5o and obtain a replacement license after
25 paying the fee required under subsection (15). If the county clerk
26 issues a notice of statutory disqualification, the county clerk
27 shall within 5 business days do all of the following:

1 (a) Inform the individual in writing of the reasons for the
2 denial or disqualification. Information under this subdivision
3 ~~shall~~**MUST** include all of the following:

4 (i) A statement of each statutory disqualification identified.

5 (ii) The source of the record for each statutory
6 disqualification identified.

7 (iii) The contact information for the source of the record for
8 each statutory disqualification identified.

9 (b) Inform the individual in writing of his or her right to
10 appeal the denial or notice of statutory disqualification to the
11 circuit court as provided in section 5d.

12 (c) Inform the individual that he or she should contact the
13 source of the record for any statutory disqualification to correct
14 any errors in the record resulting in the statutory
15 disqualification.

16 (14) If a license or notice of statutory disqualification is
17 not issued under subsection (13) within 45 days after the date the
18 individual has classifiable fingerprints taken under subsection
19 (9), the receipt issued under subsection (9) serves as a concealed
20 pistol license for purposes of this act when carried with a state-
21 issued driver license or personal identification card and is valid
22 until a license or notice of statutory disqualification is issued
23 by the county clerk.

24 (15) If an individual licensed under this act to carry a
25 concealed pistol moves to a different county within this state, his
26 or her license remains valid until it expires or is otherwise
27 suspended or revoked under this act. An individual may notify a

1 county clerk that he or she has moved to a different address within
2 this state for the purpose of receiving the notice under section
3 5l(1). A license to carry a concealed pistol that is lost, stolen,
4 defaced, or replaced for any other reason may be replaced by the
5 issuing county clerk for a replacement fee of \$10.00. A county
6 clerk shall deposit a replacement fee under this subsection in the
7 concealed pistol licensing fund of that county created in section
8 5x.

9 (16) If a license issued under this act is suspended or
10 revoked, the license is forfeited and the individual shall return
11 the license to the county clerk forthwith by mail or in person. The
12 county clerk shall retain a suspended or revoked license as an
13 official record 1 year after the expiration of the license, unless
14 the license is reinstated or a new license is issued. The county
15 clerk shall notify the department of state police if a license is
16 suspended or revoked. The department of state police shall enter
17 that suspension or revocation into the law enforcement information
18 network. An individual who fails to return a license as required
19 under this subsection after he or she was notified that his or her
20 license was suspended or revoked is guilty of a misdemeanor
21 punishable by imprisonment for not more than 93 days or a fine of
22 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) A county clerk issuing an initial license or renewal
7 license under this act shall mail the license to the licensee by
8 first-class mail in a sealed envelope. Upon payment of the fee
9 under subsection (15), a county clerk shall issue a replacement
10 license in person at the time of application for a replacement
11 license. A county clerk may also deliver a replacement license by
12 first-class mail if the individual submits to the clerk a written
13 request and a copy of the individual's state-issued driver license
14 or personal identification card.

15 (20) A county clerk, county sheriff, county prosecuting
16 attorney, police department, or the department of state police is
17 not liable for civil damages as a result of issuing a license under
18 this act to an individual who later commits a crime or a negligent
19 act.

20 (21) An individual licensed under this act to carry a
21 concealed pistol may voluntarily surrender that license without
22 explanation. A county clerk shall retain a surrendered license as
23 an official record for 1 year after the license is surrendered. If
24 an individual voluntarily surrenders a license under this
25 subsection, the county clerk shall notify the department of state
26 police. The department of state police shall enter into the law
27 enforcement information network that the license was voluntarily

1 surrendered and the date the license was voluntarily surrendered.

2 (22) As used in this section:

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

4 (i) For a retired police officer or retired law enforcement
5 officer, the officer's retired identification or a letter from a
6 law enforcement agency stating that the retired police officer or
7 law enforcement officer retired in good standing.

8 (ii) For an individual who is employed or contracted by an
9 entity described under section 5o(1) to provide security services,
10 a letter from that entity stating that the employee is required by
11 his or her employer or the terms of a contract to carry a concealed
12 firearm on the premises of the employing or contracting entity and
13 his or her employee identification.

14 (iii) For an individual who is licensed as a private
15 investigator or private detective under the professional
16 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,
17 his or her license.

18 (iv) For an individual who is a corrections officer of a
19 county sheriff's department, his or her employee identification and
20 a letter stating that the individual has received county sheriff
21 approved weapons training.

22 (v) For an individual who is a retired corrections officer of
23 a county sheriff's department, a letter from the county sheriff's
24 office stating that the retired corrections officer retired in good
25 standing and that the individual has received county sheriff
26 approved weapons training.

27 (vi) For an individual who is a motor carrier officer or

1 capitol security officer of the department of state police, his or
2 her employee identification.

3 (vii) For an individual who is a member of a sheriff's posse,
4 his or her identification.

5 (viii) For an individual who is an auxiliary officer or
6 reserve officer of a police or sheriff's department, his or her
7 employee identification.

8 (ix) For an individual who is a parole, probation, or
9 corrections officer, or absconder recovery unit member, of the
10 department of corrections, his or her employee identification and
11 proof that the individual obtained a Michigan department of
12 corrections weapons permit.

13 (x) For an individual who is a retired parole, probation, or
14 corrections officer, or retired absconder recovery unit member, of
15 the department of corrections, a letter from the department of
16 corrections stating that the retired parole, probation, or
17 corrections officer, or retired absconder recovery unit member,
18 retired in good standing and proof that the individual obtained a
19 Michigan department of corrections weapons permit.

20 (xi) For a state court judge or state court retired judge, a
21 letter from the judicial tenure commission stating that the state
22 court judge or state court retired judge is in good standing.

23 (xii) For an individual who is a court officer, his or her
24 employee identification.

25 (xiii) For a retired federal law enforcement officer, the
26 identification required under ~~the law enforcement officers safety~~
27 ~~act~~ **18 USC 926C** or a letter from a law enforcement agency stating

1 that the retired federal law enforcement officer retired in good
2 standing.

3 (xiv) For an individual who is a peace officer, his or her
4 employee identification.

5 **(xv) FOR A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, THE**
6 **IDENTIFICATION REQUIRED UNDER 18 USC 926C.**

7 (b) "Convicted" means a final conviction, the payment of a
8 fine, a plea of guilty or nolo contendere if accepted by the court,
9 or a finding of guilt for a criminal law violation or a juvenile
10 adjudication or disposition by the juvenile division of probate
11 court or family division of circuit court for a violation that if
12 committed by an adult would be a crime.

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

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

24 (e) "Misdemeanor" means a violation of a penal law of this
25 state or violation of a local ordinance substantially corresponding
26 to a violation of a penal law of this state that is not a felony or
27 a violation of an order, rule, or regulation of a state agency that

1 is punishable by imprisonment or a fine that is not a civil fine,
2 or both.

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

6 Sec. 50. (1) Subject to subsection (5), an individual licensed
7 under this act to carry a concealed pistol, or who is exempt from
8 licensure under section 12a(h), shall not carry a concealed pistol
9 on the premises of any of the following:

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

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

20 (c) A sports arena or stadium.

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

1 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
2 stating that "This establishment prohibits patrons from carrying
3 concealed weapons". The owner or operator of an establishment
4 licensed under the Michigan liquor control code of 1998, 1998 PA
5 58, MCL 436.1101 to 436.2303, may post the sign developed under
6 this subdivision.

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

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

17 (g) A hospital.

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

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

23 (3) An individual licensed under this act to carry a concealed
24 pistol, or who is exempt from licensure under section 12a(h), shall
25 not carry a concealed pistol in violation of R 432.1212 of the
26 Michigan Administrative Code promulgated under the Michigan gaming
27 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

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

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

5 (a) An individual licensed under this act who is a retired
6 police officer, retired law enforcement officer, or retired federal
7 law enforcement officer.

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

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

16 (d) An individual who is licensed under this act and who is a
17 corrections officer of a county sheriff's department or who is
18 licensed under this act and is a retired corrections officer of a
19 county sheriff's department, if that individual has received county
20 sheriff approved weapons training.

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

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

26 (g) An individual who is licensed under this act and who is an
27 auxiliary officer or reserve officer of a police or sheriff's

1 department.

2 (h) An individual who is licensed under this act and who is
3 any of the following:

4 (i) A parole, probation, or corrections officer, or absconder
5 recovery unit member, of the department of corrections, if that
6 individual has obtained a Michigan department of corrections
7 weapons permit.

8 (ii) A retired parole, probation, or corrections officer, or
9 retired absconder recovery unit member, of the department of
10 corrections, if that individual has obtained a Michigan department
11 of corrections weapons permit.

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

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

16 (k) An individual who is licensed under this act and who is a
17 peace officer.

18 **(l) A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER.**

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.