

HOUSE BILL NO. 5866

June 18, 2020, Introduced by Reps. Eisen, Wakeman, O'Malley, Markkanen, Hornberger, Paquette, Bollin and Slagh 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 and 5b (MCL 28.425a and 28.425b), as
 amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) A license to carry a concealed pistol issued by a
 2 concealed weapon licensing board before December 1, 2015 is valid
 3 and remains in effect until the expiration of that license or as
 4 otherwise provided by law.

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

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

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

9 (c) Issuing notices of statutory disqualification, notices of
 10 suspensions, and notices of revocations.

11 (3) The department of state police shall verify under section
 12 5b(6) whether an applicant for a license to carry a concealed
 13 pistol is eligible to receive a license to carry a concealed
 14 pistol.

15 (4) A county clerk shall issue an emergency license to carry a
 16 concealed pistol to ~~an individual if the~~ **any of the following**
 17 **individuals:**

18 (a) **An** individual **who** has obtained a personal protection order
 19 issued under section 2950 or 2950a of the revised judicature act of
 20 1961, 1961 PA 236, MCL 600.2950 and 600.2950a. ~~, or to that~~

21 (b) **An** individual if a county sheriff determines that there is
 22 clear and convincing evidence to believe the safety of the
 23 individual or the safety of a member of the individual's family or
 24 household is endangered by the individual's inability to
 25 immediately obtain a license to carry a concealed pistol. Clear and



1 convincing evidence includes, but is not limited to, an application
2 for a personal protection order, police reports and other law
3 enforcement records, or written, audio, or visual evidence of
4 threats to the individual or member of the individual's family or
5 household.

6 **(5) If the governor has declared an emergency or disaster and**
7 **concealed pistol license applications are not being processed under**
8 **section 5b, a county clerk shall issue a temporary license to carry**
9 **a concealed pistol to an individual who has done all of the**
10 **following:**

11 **(a) Completed a pistol training course under section 5j.**

12 **(b) Applied for a license under section 5b.**

13 **(c) Paid the fee described in subsection (6).**

14 **(6)** A county clerk shall only issue an emergency **or temporary**
15 license to carry a concealed pistol to an individual ~~who has~~
16 ~~obtained a personal protection order~~ if the individual is eligible
17 under section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to
18 receive a license based on a criminal record check through the law
19 enforcement information network conducted by the department of
20 state police. The county sheriff shall only issue a determination
21 under ~~this~~ subsection **(4)** to an individual who is eligible under
22 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
23 a license based on a criminal record check through the law
24 enforcement information network and only after the county sheriff
25 has taken the individual's fingerprints in compliance with section
26 5b(9). A county sheriff shall notify the county clerk if the county
27 sheriff determines that an individual is not eligible under section
28 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a
29 license. An emergency **or temporary** license must be on a form



1 provided by the department of state police. An individual who
2 applies for an emergency license **under subsection (4)** shall, within
3 10 business days after applying for an emergency license, complete
4 a pistol training course under section 5j and apply for a license
5 under section 5b. If an individual who applies for an emergency
6 license **under subsection (4)** does not complete a pistol training
7 course under section 5j and apply for a license under section 5b
8 within 10 business days after applying for an emergency license,
9 that individual's emergency license is no longer valid. A county
10 sheriff who makes a determination under this section, performs a
11 criminal record check, and takes the applicant's fingerprints may
12 charge a fee not to exceed \$15.00. A county clerk may charge a fee
13 not to exceed \$10.00 for printing an emergency license. **A county**
14 **clerk may charge a fee not to exceed \$25.00 for printing a**
15 **temporary license.** A county clerk shall deposit a fee collected by
16 the county clerk under this subsection in the concealed pistol
17 licensing fund of that county created in section 5x. Except as
18 otherwise provided in this subsection, an emergency license **issued**
19 **to an individual under subsection (4)** is valid for 45 days or until
20 the county clerk issues a notice of statutory disqualification,
21 whichever occurs first. **Except as otherwise provided in this**
22 **subsection, a temporary license issued to an individual under**
23 **subsection (5) is valid for 90 days or until the county clerk**
24 **issues a notice of statutory disqualification, whichever occurs**
25 **first.** Except as otherwise provided in this act, an emergency **or**
26 **temporary** license is, for all other purposes of this act, a license
27 to carry a concealed pistol. The county clerk shall include an
28 indication on the license if an individual is exempt from the
29 prohibitions against carrying a concealed pistol on premises



1 described in section 5o if the applicant provides acceptable proof
2 that he or she qualifies for that exemption. An individual shall
3 not obtain more than 1 emergency license in any 5-year period. If a
4 county clerk issues a notice of statutory disqualification to an
5 applicant who received an emergency **or temporary** license under this
6 section, the applicant shall immediately surrender the emergency **or**
7 **temporary** license to the county clerk by mail or in person if that
8 ~~emergency~~ license has not expired. An individual who fails to
9 surrender a license as required by this subsection after he or she
10 is notified of a statutory disqualification is guilty of a
11 misdemeanor punishable by imprisonment for not more than 93 days or
12 a fine of not more than \$500.00, or both.

13 (7) ~~(5)~~—The legislative service bureau shall compile the
14 firearms laws of this state, including laws that apply to carrying
15 a concealed pistol, and shall provide copies of the compilation in
16 an electronic format to the department of state police. The
17 department of state police shall provide a copy of the compiled
18 laws to each county clerk in this state. The department of state
19 police shall also provide forms to appeal any notice of statutory
20 disqualification, or suspension or revocation of a license under
21 this act. The department of state police shall distribute copies of
22 the compilation and forms required under this subsection in an
23 electronic format to each county clerk. The county clerk shall
24 distribute a copy of the compilation and forms at no charge to each
25 individual who applies for a license to carry a concealed pistol at
26 the time the application is submitted. The county clerk may
27 distribute copies of the compilation and forms required under this
28 subsection in an electronic format. The county clerk shall require
29 the applicant to sign a written statement acknowledging that he or



1 she has received a copy of the compilation and forms provided under
 2 this subsection. An individual is not eligible to receive a license
 3 to carry a concealed pistol until he or she has signed the
 4 statement.

5 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
 6 an individual shall apply to the county clerk in the county in
 7 which the individual resides. The applicant shall file the
 8 application with the county clerk in the county in which the
 9 applicant resides during the county clerk's normal business hours.
 10 The application must be on a form provided by the director of the
 11 department of state police and allow the applicant to designate
 12 whether the applicant seeks an emergency license. The applicant
 13 shall sign the application under oath. The county clerk or his or
 14 her representative shall administer the oath. An application under
 15 this subsection is not considered complete until an applicant
 16 submits all of the required information and fees and has
 17 fingerprints taken under subsection (9). ~~An~~ **Except during an**
 18 **emergency or disaster declared by the governor when concealed**
 19 **pistol license applications are not being processed, an** application
 20 under this subsection is considered withdrawn if an applicant does
 21 not have fingerprints taken under subsection (9) within 45 days of
 22 the date an application is filed under this subsection. A completed
 23 application and all receipts issued under this section expire 1
 24 year from the date of application. The county clerk shall issue the
 25 applicant a receipt for his or her application at the time the
 26 application is submitted containing the name of the applicant, the
 27 applicant's state-issued driver license or personal identification
 28 card number, the date and time the receipt is issued, the amount
 29 paid, the name of the county in which the receipt is issued, an



1 impression of the county seal, and the statement, "This receipt was
2 issued for the purpose of applying for a concealed pistol license
3 and for obtaining fingerprints related to that application. This
4 receipt does not authorize an individual to carry a concealed
5 pistol in this state.". The application must contain all of the
6 following:

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

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

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

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

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

22 (i) Any felony.

23 (ii) A misdemeanor listed under subsection (7)(h) if the
24 applicant was convicted of that misdemeanor in the 8 years
25 immediately preceding the date of the application, or a misdemeanor
26 listed under subsection (7)(i) if the applicant was convicted of
27 that misdemeanor in the 3 years immediately preceding the date of
28 the application.

29 (f) A statement by the applicant whether he or she has been



1 dishonorably discharged from the United States Armed Forces.

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

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

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

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

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

25 (5) Each applicant shall pay a nonrefundable application and
26 licensing fee of \$100.00 by any method of payment accepted by that
27 county for payments of other fees and penalties. **The county clerk**
28 **shall subtract from this fee any fee an individual paid to the**
29 **county clerk when obtaining a temporary license under section 5a.**



1 Except as provided in subsection (9), no other charge, fee, cost,
2 or assessment, including any local charge, fee, cost, or
3 assessment, is required of the applicant except as specifically
4 authorized in this act. The applicant shall pay the application and
5 licensing fee to the county. The county treasurer shall deposit
6 \$26.00 of each application and licensing fee collected under this
7 section in the concealed pistol licensing fund of that county
8 created in section 5x. The county treasurer shall forward the
9 balance remaining to the state treasurer. The state treasurer shall
10 deposit the balance of the fee in the general fund to the credit of
11 the department of state police. The department of state police
12 shall use the money received under this act to process the
13 fingerprints and to reimburse the Federal Bureau of Investigation
14 for the costs associated with processing fingerprints submitted
15 under this act. The balance of the money received under this act
16 must be credited to the department of state police.

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

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

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

28 (b) The applicant is a citizen of the United States or is an
29 alien lawfully admitted into the United States, is a legal resident



1 of this state, and has resided in this state for not less than the
2 6 months immediately preceding the date of application. The county
3 clerk shall waive the 6-month residency requirement for an
4 emergency license under section 5a(4) if the applicant is a
5 petitioner for a personal protection order issued under section
6 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.2950 and 600.2950a, or if the county sheriff determines
8 that there is clear and convincing evidence to believe that the
9 safety of the applicant or the safety of a member of the
10 applicant's family or household is endangered by the applicant's
11 inability to immediately obtain a license to carry a concealed
12 pistol. If the applicant holds a valid concealed pistol license
13 issued by another state at the time the applicant's residency in
14 this state is established, the county clerk shall waive the 6-month
15 residency requirement and the applicant may apply for a concealed
16 pistol license at the time the applicant's residency in this state
17 is established. For the purposes of this section, an individual is
18 considered a legal resident of this state if any of the following
19 apply:

20 (i) The individual has a valid, lawfully obtained driver
21 license issued under the Michigan vehicle code, 1949 PA 300, MCL
22 257.1 to 257.923, or official state personal identification card
23 issued under 1972 PA 222, MCL 28.291 to 28.300.

24 (ii) The individual is lawfully registered to vote in this
25 state.

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

29 (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 procedure,
17 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
18 section 6b(3) of chapter V of the code of criminal procedure, 1927
19 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
28 state police under subsection (6), the applicant has never been
29 convicted of a felony in this state or elsewhere, and a felony



1 charge against the applicant is not pending in this state or
2 elsewhere at the time he or she applies for a license described in
3 this section.

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

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

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

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

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

29 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL



1 290.650 (hindering, obstructing, assaulting, or committing bodily
2 injury upon director or authorized representative).

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

13 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
14 333.7403 (possession of controlled substance, controlled substance
15 analogue, or prescription form).

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

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

22 (ix) Section 81 (assault or domestic assault), section 81a(1)
23 or (2) (aggravated assault or aggravated domestic assault), section
24 115 (breaking and entering or entering without breaking), section
25 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
26 abuse), section 157b(3) (b) (solicitation to commit a felony),
27 section 215 (impersonating peace officer or medical examiner),
28 section 223 (illegal sale of a firearm or ammunition), section 224d
29 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~



1 ~~or possession of a switchblade),~~ section 227c (improper
 2 transportation of a loaded firearm), section 229 (accepting a
 3 pistol in pawn), section 232a (improperly obtaining a pistol,
 4 making a false statement on an application to purchase a pistol, or
 5 using false identification to purchase a pistol), section 233
 6 (intentionally aiming a firearm without malice), section 234
 7 (intentionally discharging a firearm aimed without malice), section
 8 234d (possessing a firearm on prohibited premises), section 234e
 9 (brandishing a firearm in public), section 234f (possession of a
 10 firearm by an individual less than 18 years of age), section 235
 11 (intentionally discharging a firearm aimed without malice causing
 12 injury), section 235a (parent of a minor who possessed a firearm in
 13 a weapon free school zone), section 236 (setting a spring gun or
 14 other device), section 237 (possessing a firearm while under the
 15 influence of intoxicating liquor or a controlled substance),
 16 section 237a (weapon free school zone violation), section 335a
 17 (indecent exposure), section 411h (stalking), or section 520e
 18 (fourth degree criminal sexual conduct) of the Michigan penal code,
 19 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 20 750.157b, 750.215, 750.223, 750.224d, ~~750.226a,~~ 750.227c, 750.229,
 21 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
 22 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 23 750.520e.

24 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 25 ~~328.~~

26 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a
 27 firearm resulting in injury or death), section 2 (careless,
 28 reckless, or negligent use of a firearm resulting in property
 29 damage), or section 3a (reckless discharge of a firearm) of 1952 PA



1 45, MCL 752.861, 752.862, and 752.863a.

2 (xi) ~~(xii)~~—A violation of a law of the United States, another
3 state, or a local unit of government of this state or another state
4 substantially corresponding to a violation described in
5 subparagraphs (i) to ~~(xi)~~-(x).

6 (i) Based solely on the report received from the department of
7 state police under subsection (6), the applicant has not been
8 convicted of a misdemeanor violation of any of the following in the
9 3 years immediately preceding the date of application unless the
10 misdemeanor violation is listed under subdivision (h) and a charge
11 for a misdemeanor violation of any of the following is not pending
12 against the applicant in this state or elsewhere at the time he or
13 she applies for a license described in this section:

14 (i) Section 625 (operating under the influence), section 625a
15 (refusal of commercial vehicle operator to submit to a chemical
16 test), section 625k (ignition interlock device reporting
17 violation), section 625l (circumventing an ignition interlock
18 device), or section 625m punishable under subsection (3) of that
19 section (operating a commercial vehicle with alcohol content) of
20 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
21 257.625k, 257.625l, and 257.625m.

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

25 (iii) Section 81134 (operating ORV under the influence or
26 operating ORV while visibly impaired), or section 82127 (operating
27 a snowmobile under the influence) of the natural resources and
28 environmental protection act, 1994 PA 451, MCL 324.81134 and
29 324.82127.



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 state,
19 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) Based solely on the report received from the department of
23 state police under subsection (6), the applicant has not been found
24 guilty but mentally ill of any crime and has not offered a plea of
25 not guilty of, or been acquitted of, any crime by reason of
26 insanity.

27 (k) Based solely on the report received from the department of
28 state police under subsection (6), the applicant is not currently
29 and has never been subject to an order of involuntary commitment in



1 an inpatient or outpatient setting due to mental illness.

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

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

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

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

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



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

- 28 (a) The name of the individual.
29 (b) The date and time the receipt is issued.



1 (c) The amount paid.

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

3 (e) The individual's state-issued driver license or personal
4 identification card number.

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

16 (10) The fingerprints must be taken, under subsection (9), in
17 a manner prescribed by the department of state police. The county
18 clerk, county sheriff, local police agency, or other entity shall
19 immediately forward the fingerprints taken by that entity to the
20 department of state police for comparison with fingerprints already
21 on file with the department of state police. The department of
22 state police shall immediately forward the fingerprints to the
23 Federal Bureau of Investigation. Within 5 business days after
24 completing the verification under subsection (6), the department
25 shall send the county clerk a list of an individual's statutory
26 disqualifications under this act. Except as provided in section
27 5a(4), the county clerk shall not issue a concealed pistol license
28 until he or she receives the report of statutory disqualifications
29 prescribed in this subsection. If an individual's fingerprints are



1 not classifiable, the department of state police shall, at no
2 charge, take the individual's fingerprints again or provide for the
3 comparisons under this subsection to be conducted through
4 alternative means. The county clerk shall not issue a notice of
5 statutory disqualification because an individual's fingerprints are
6 not classifiable by the Federal Bureau of Investigation.

7 (11) The county clerk shall send by first-class mail a notice
8 of statutory disqualification for a license under this act to an
9 individual if the individual is not qualified under subsection (7)
10 to receive that license.

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

14 (13) Subject to subsection (10), the department of state
15 police shall complete the verification required under subsection
16 (6) and the county clerk shall issue a license or a notice of
17 statutory disqualification within 45 days after the date the
18 individual has classifiable fingerprints taken under subsection
19 (9). The county clerk shall include an indication on the license if
20 an individual is exempt from the prohibitions against carrying a
21 concealed pistol on premises described in section 50 if the
22 applicant provides acceptable proof that he or she qualifies for
23 that exemption. If the county clerk receives notice from a county
24 sheriff or chief law enforcement officer that a licensee is no
25 longer a member of a sheriff's posse, an auxiliary officer, or a
26 reserve officer, the county clerk shall notify the licensee that he
27 or she shall surrender the concealed pistol license indicating that
28 the individual is exempt from the prohibitions against carrying a
29 concealed pistol on premises described in section 50. The licensee



1 shall, within 30 days after receiving notice from the county clerk,
2 surrender the license indicating that the individual is exempt from
3 the prohibitions against carrying a concealed pistol on premises
4 described in section 5o and obtain a replacement license after
5 paying the fee required under subsection (15). If the county clerk
6 issues a notice of statutory disqualification, the county clerk
7 shall within 5 business days do all of the following:

8 (a) Inform the individual in writing of the reasons for the
9 denial or disqualification. Information under this subdivision
10 ~~shall~~**must** include all of the following:

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

12 (ii) The source of the record for each statutory
13 disqualification identified.

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

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

19 (c) Inform the individual that he or she should contact the
20 source of the record for any statutory disqualification to correct
21 any errors in the record resulting in the statutory
22 disqualification.

23 (14) If a license or notice of statutory disqualification is
24 not issued under subsection (13) within 45 days after the date the
25 individual has classifiable fingerprints taken under subsection
26 (9), the receipt issued under subsection (9) serves as a concealed
27 pistol license for purposes of this act when carried with a state-
28 issued driver license or personal identification card and is valid
29 until a license or notice of statutory disqualification is issued



1 by the county clerk.

2 (15) If an individual licensed under this act to carry a
3 concealed pistol moves to a different county within this state, his
4 or her license remains valid until it expires or is otherwise
5 suspended or revoked under this act. An individual may notify a
6 county clerk that he or she has moved to a different address within
7 this state for the purpose of receiving the notice under section
8 5l(1). A license to carry a concealed pistol that is lost, stolen,
9 defaced, or replaced for any other reason may be replaced by the
10 issuing county clerk for a replacement fee of \$10.00. A county
11 clerk shall deposit a replacement fee under this subsection in the
12 concealed pistol licensing fund of that county created in section
13 5x.

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

28 (17) An applicant or an individual licensed under this act to
29 carry a concealed pistol may be furnished a copy of his or her



1 application under this section upon request and the payment of a
2 reasonable fee not to exceed \$1.00. The county clerk shall deposit
3 any fee collected under this subsection in the concealed pistol
4 licensing fund of that county created in section 5x.

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

9 (19) A county clerk issuing an initial license or renewal
10 license under this act shall mail the license to the licensee by
11 first-class mail in a sealed envelope. Upon payment of the fee
12 under subsection (15), a county clerk shall issue a replacement
13 license in person at the time of application for a replacement
14 license. A county clerk may also deliver a replacement license by
15 first-class mail if the individual submits to the clerk a written
16 request and a copy of the individual's state-issued driver license
17 or personal identification card.

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

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



1 enforcement information network that the license was voluntarily
2 surrendered and the date the license was voluntarily surrendered.

3 (22) As used in this section:

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

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

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

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

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

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

28 (vi) For an individual who is a motor carrier officer or
29 capitol security officer of the department of state police, his or



1 her employee identification.

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

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

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

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

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

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

24 (xiii) For a retired federal law enforcement officer, the
25 identification required under ~~the law enforcement officers safety~~
26 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
27 that the retired federal law enforcement officer retired in good
28 standing.

29 (xiv) For an individual who is a peace officer, his or her



1 employee identification.

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

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

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

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

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

