

HOUSE BILL No. 6048

April 20, 2010, Introduced by Reps. Sheltroun, Walsh, Huckleberry, Hildenbrand, Hansen, Terry Brown and Dean and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1927 PA 372, entitled

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

by amending sections 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, 6a, and 8 (MCL 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, 28.425o, 28.426a, and 28.428), sections 2a and 5f as amended by 2008 PA 194, section 4 as added by 1992 PA 219, sections

5, 5a, 5e, 5k, and 5m as added by 2000 PA 381, sections 5b, 5l, and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, section 5j as amended by 2004 PA 254, section 5o as amended by 2008 PA 407, and section 6a as amended by 1991 PA 34, and by adding section 5x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) If an individual licensed under section 5b purchases or
5 otherwise acquires a pistol, the seller shall complete a record in
6 quadruplicate on a form provided by the department of state police.
7 The record shall include the purchaser's concealed weapon license
8 number. The purchaser shall sign the record. The seller may retain
9 1 copy of the record. The purchaser shall receive 3 copies of the
10 record and forward 2 copies to the police department of the city,
11 village, or township in which the purchaser resides, or, if the
12 purchaser does not reside in a city, village, or township having a
13 police department, to the county sheriff, within 10 days following
14 the purchase or acquisition. The return of the copies to the police
15 department or county sheriff may be made in person or may be made
16 by first-class mail or certified mail sent within the 10-day period
17 to the proper address of the police department or county sheriff. A
18 purchaser who fails to comply with the requirements of this
19 subsection is responsible for a state civil infraction and may be
20 fined not more than \$250.00. If a purchaser is found responsible
21 for a state civil infraction under this subsection, the court shall

1 notify the department of state police and, **THROUGH DECEMBER 31,**
2 **2011,** the concealed weapon licensing board that issued the license
3 **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** of that
4 determination.

5 (3) Within 48 hours after receiving the record copies returned
6 under subsection (2), the police department or county sheriff shall
7 forward 1 copy of the record to the department of state police. The
8 police department or county sheriff shall retain the other copy of
9 the record as an official record for not less than 6 years. Within
10 10 days after receiving the record copies returned under subsection
11 (2), the police department or county sheriff shall electronically
12 enter the information into the pistol entry database as required by
13 the department of state police if it has the ability to
14 electronically enter that information. If the police department or
15 county sheriff does not have that ability, the police department or
16 county sheriff shall provide that information to the department of
17 state police in a manner otherwise required by the department of
18 state police. Any police department or county sheriff that provided
19 pistol descriptions to the department of state police under former
20 section 9 of this act shall continue to provide pistol descriptions
21 to the department of state police under this subsection. The
22 purchaser has the right to obtain a copy of the information placed
23 in the pistol entry database under this subsection to verify the
24 accuracy of that information. The police department or county
25 sheriff may charge a fee not to exceed \$1.00 for the cost of
26 providing the copy. The purchaser may carry, use, possess, and
27 transport the pistol for 30 days beginning on the date of purchase

1 or acquisition only while he or she is in possession of his or her
2 copy of the record. However, the person is not required to have the
3 record in his or her possession while carrying, using, possessing,
4 or transporting the pistol after this period.

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

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

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

13 Sec. 4. (1) A person who is prohibited from possessing, using,
14 transporting, selling, purchasing, carrying, shipping, receiving,
15 or distributing a firearm under section 224f(2) of the Michigan
16 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~
17 ~~750.224f of the Michigan Compiled Laws 1931 PA 328, MCL 750.224F,~~
18 may, **THROUGH DECEMBER 31, 2011,** apply to the concealed weapons
19 **WEAPON** licensing board in the county in which he or she resides **OR,**
20 **BEGINNING JANUARY 1, 2012, APPLY TO THE SECRETARY OF STATE** for
21 restoration of those rights.

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

27 (3) ~~The~~ **THROUGH DECEMBER 31, 2011, THE** concealed weapons

1 **WEAPON** licensing board **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY**
2 **OF STATE** shall, by written order, ~~of the board,~~ restore the rights
3 of a person to possess, use, transport, sell, purchase, carry,
4 ship, receive, or distribute a firearm if the board **OR THE**
5 **SECRETARY OF STATE** determines, by clear and convincing evidence,
6 that all of the following circumstances exist:

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

9 (b) The expiration of 5 years after all of the following
10 circumstances:

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

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

15 (iii) The person has successfully completed all conditions of
16 probation or parole imposed for the violation resulting in the
17 prohibition.

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

21 (4) If the concealed ~~weapons~~ **WEAPON** licensing board pursuant
22 ~~to~~ **OR THE SECRETARY OF STATE UNDER** subsection (3) refuses to
23 restore a right under this section, the person may petition the
24 circuit court for review of that decision.

25 Sec. 5. (1) County sheriffs, local police agencies, and county
26 clerks shall provide concealed pistol application kits during
27 normal business hours and free of charge to individuals who wish to

1 apply for licenses to carry concealed pistols. Each kit shall only
2 contain all of the following:

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

5 (b) The fingerprint ~~cards~~ **FORMS** required under section ~~5b(11)~~
6 **5B(10)**.

7 (c) Written information regarding the procedures involved in
8 obtaining a license to carry a concealed pistol, including
9 information regarding the right to appeal the denial of a license
10 and the form required for that appeal.

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

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

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

21 (4) The department of state police shall provide the
22 application kits required under this section to county sheriffs,
23 local law enforcement agencies, and county clerks in sufficient
24 quantities to meet demand. The department of state police shall not
25 charge a fee for the kits.

26 Sec. 5a. (1) ~~Each~~ **THROUGH DECEMBER 31, 2011, EACH** county shall
27 have a concealed weapon licensing board. The concealed weapon

1 licensing board of each county shall have the following members:

2 (a) The county prosecuting attorney or his or her designee.

3 However, if the county prosecuting attorney decides that he or she
4 does not want to be a member of the concealed weapon licensing
5 board, he or she shall notify the county board of commissioners in
6 writing that he or she does not want to be a member of the
7 concealed weapon licensing board for the balance of his or her term
8 in office. The county board of commissioners shall then appoint a
9 replacement for the prosecuting attorney who is a firearms

10 instructor who has the qualifications prescribed in section
11 ~~5j(1)(e)~~ **5J(1)(D)**. The person who replaces the prosecuting attorney
12 shall serve on the concealed weapon licensing board in place of the
13 prosecuting attorney for the remaining term of the county
14 prosecuting attorney unless removed for cause by the county board
15 of commissioners. If a vacancy occurs on the concealed weapon
16 licensing board of the person appointed pursuant to this section
17 during the term of office of the county prosecuting attorney, the
18 county board of commissioners shall appoint a replacement person
19 who is a firearms instructor who has the qualifications prescribed
20 in section ~~5j(1)(e)~~ **5J(1)(D)**.

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

22 (c) The director of the department of state police or his or
23 her designee.

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

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

1 (b) The prosecuting attorney shall be given an opportunity to
2 object to granting a license to carry a concealed pistol and
3 present evidence bearing directly on an applicant's suitability to
4 carry a concealed pistol safely.

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

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

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

20 (5) Except as otherwise provided in this act, **THROUGH DECEMBER**
21 **31, 2011,** the concealed weapon licensing board **AND, BEGINNING**
22 **JANUARY 1, 2012, THE SECRETARY OF STATE** has exclusive authority to
23 issue, deny, revoke, or suspend a license to carry a concealed
24 pistol. The concealed weapon licensing board **OR THE SECRETARY OF**
25 **STATE** shall perform other duties as provided by law.

26 (6) The concealed weapon licensing board may convene not more
27 than 3 panels to assist the board in evaluating applicants. The

1 panels shall be composed of representatives as prescribed in
2 subsection (1). The panels do not have the authority to issue,
3 deny, revoke, or suspend a license.

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

19 (8) ~~If~~ **THROUGH DECEMBER 31, 2011, IF** the concealed weapon
20 licensing board **OR, BEGINNING JANUARY 1, 2012, IF THE SECRETARY OF**
21 **STATE** determines **THAT** there is probable cause to believe **THAT** the
22 safety of the applicant or the safety of a member of the
23 applicant's family is endangered by the applicant's inability to
24 immediately obtain a license to carry a concealed pistol, the
25 concealed weapon licensing board **OR THE SECRETARY OF STATE** may,
26 pending issuance of a license, issue a temporary license to the
27 individual to carry a concealed pistol. A temporary license shall

1 be on a form provided by the department of state police. A
2 temporary license shall be unrestricted and shall be valid for not
3 more than 180 days. A temporary license may be renewed for 1
4 additional period of not more than 180 days. A temporary license
5 is, for all other purposes of this act, a license to carry a
6 concealed pistol.

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

21 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
22 an individual shall apply, **THROUGH DECEMBER 31, 2011**, to the
23 concealed weapon licensing board in the county in which that
24 individual resides **AND, BEGINNING JANUARY 1, 2012, TO THE SECRETARY**
25 **OF STATE**. The application shall be filed with the county clerk
26 **THROUGH DECEMBER 31, 2011, AND WITH THE SECRETARY OF STATE**
27 **BEGINNING JANUARY 1, 2012**, during the county clerk's **OR SECRETARY**

1 **OF STATE'S** normal business hours. The application shall be on a
2 form provided by the director of the department of state police and
3 shall allow the applicant to designate whether the applicant seeks
4 a temporary license. The application shall be signed under oath by
5 the applicant. The oath shall be administered by the county clerk
6 **OR THE SECRETARY OF STATE** or his or her representative. The
7 application shall contain all of the following information:

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

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

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

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

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, and authorizing the concealed weapon licensing
13 board **OR THE SECRETARY OF STATE** to access the mental health records
14 of the applicant relating to his or her mental health history. The
15 applicant may request that information received by the concealed
16 weapon licensing board **OR THE SECRETARY OF STATE** under this
17 subdivision be reviewed in a closed session. If the applicant
18 requests that the session be closed, the concealed weapon licensing
19 board **OR THE SECRETARY OF STATE** shall close the session only for
20 purposes of this subdivision. The applicant and his or her
21 representative have the right to be present in the closed session.
22 Medical records and personal identifying information received by
23 the concealed weapon licensing board **OR THE SECRETARY OF STATE**
24 under this subdivision is confidential, is not subject to
25 disclosure under the freedom of information act, 1976 PA 442, MCL
26 15.231 to 15.246, and shall not be disclosed to any person except
27 for purposes of this act or for law enforcement purposes.

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

4 (i) Any felony.

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

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

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

12 (h) The names, residential addresses, and telephone numbers of
13 2 individuals who are references for the applicant. Information
14 received under this subdivision is confidential, is not subject to
15 disclosure under the freedom of information act, 1976 PA 442, MCL
16 15.231 to 15.246, and shall not be disclosed to any person except
17 for purposes of this act or for law enforcement purposes.

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

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

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

27 (3) An individual who intentionally makes a material false

1 statement on an application under subsection (1) is guilty of a
2 felony punishable by imprisonment for not more than 4 years or a
3 fine of not more than \$2,500.00, or both.

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

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

1 ~~processing fingerprints submitted under this act. The~~ UNTIL
2 **DECEMBER 31, 2011, THE** balance of the money received under this act
3 shall be credited to the department of state police. **BEGINNING**
4 **JANUARY 1, 2012, THE FEE SHALL BE PAYABLE TO THE STATE. THE STATE**
5 **TREASURER SHALL DEPOSIT THE FEE IN THE GENERAL FUND. OF THAT**
6 **AMOUNT, \$15.00 SHALL BE CREDITED TO THE DEPARTMENT OF STATE POLICE.**
7 **THE DEPARTMENT OF STATE POLICE SHALL USE THE MONEY RECEIVED UNDER**
8 **THIS ACT TO PROCESS THE FINGERPRINTS AND TO REIMBURSE THE FEDERAL**
9 **BUREAU OF INVESTIGATION FOR THE COSTS ASSOCIATED WITH PROCESSING**
10 **FINGERPRINTS SUBMITTED UNDER THIS ACT.**

11 (6) ~~The~~ THROUGH DECEMBER 31, 2011, THE county sheriff on
12 behalf of the concealed weapon licensing board **OR, BEGINNING**
13 **JANUARY 1, 2012, THE DEPARTMENT OF STATE POLICE ON BEHALF OF THE**
14 **SECRETARY OF STATE** shall verify the requirements of subsection
15 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the law
16 enforcement information network and report his or her **OR ITS**
17 finding to the concealed weapon licensing board **OR TO THE SECRETARY**
18 **OF STATE, AS APPLICABLE.** If the applicant resides in a city,
19 village, or township that has a police department, the concealed
20 weapon licensing board, **THROUGH DECEMBER 31, 2011, OR, BEGINNING**
21 **JANUARY 1, 2012, THE SECRETARY OF STATE** shall contact that city,
22 village, or township police department to determine only whether
23 that city, village, or township police department has any
24 information relevant to the investigation of whether the applicant
25 is eligible under this act to receive a license to carry a
26 concealed pistol. The concealed weapon licensing board **OR THE**
27 **SECRETARY OF STATE** may require a person claiming active duty status

1 with the United States armed forces under this section to provide
2 proof of 1 or both of the following:

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

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

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

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

12 (b) The applicant is a citizen of the United States or is an
13 alien lawfully admitted into the United States, is a legal resident
14 of this state, and has resided in this state for not less than the
15 6 months immediately preceding the date of application. The
16 concealed weapon licensing board **OR THE SECRETARY OF STATE** may
17 waive the 6-month residency requirement for a temporary license
18 under section 5a(8) if the concealed weapon licensing board **OR THE**
19 **SECRETARY OF STATE** determines **THAT** there is probable cause to
20 believe **THAT** the safety of the applicant or the safety of a member
21 of the applicant's family is endangered by the applicant's
22 inability to immediately obtain a license to carry a concealed
23 pistol. If the applicant holds a valid concealed pistol license
24 issued by another state at the time the applicant's residency in
25 this state is established, the concealed weapon licensing board **OR**
26 **THE SECRETARY OF STATE** may waive the 6-month waiting period and the
27 applicant may apply for a concealed pistol license at the time the

1 applicant's residency in this state is established. The concealed
2 weapon licensing board **OR THE SECRETARY OF STATE** shall immediately
3 issue a temporary license to that applicant. The temporary license
4 shall be valid until the concealed weapon licensing board **OR THE**
5 **SECRETARY OF STATE** decides whether to grant or deny the
6 application. For the purposes of this section, a person shall be
7 considered a legal resident of this state if any of the following
8 apply:

9 (i) The person has a valid, lawfully obtained Michigan driver
10 license issued under the Michigan vehicle code, 1949 PA 300, MCL
11 257.1 to 257.923, or official state personal identification card
12 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

20 (c) The applicant has knowledge and has had training in the
21 safe use and handling of a pistol by the successful completion of a
22 pistol safety training course or class that meets the requirements
23 of section 5j, and that is available to the general public and
24 presented by a law enforcement agency, junior or community college,
25 college, or public or private institution or organization or
26 firearms training school.

27 (d) The applicant is not the subject of an order or

1 disposition under any of the following:

2 (i) Section 464a of the mental health code, 1974 PA 258, MCL
3 330.1464a.

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

6 (iii) Sections 2950 and 2950a of the revised judicature act of
7 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

8 (iv) Section 6b of chapter V of the code of criminal procedure,
9 1927 PA 175, MCL 765.6b, if the order has a condition imposed
10 ~~pursuant to section 6b(3) of chapter V of the code of criminal~~
11 ~~procedure, 1927 PA 175, MCL 765.6b~~ **UNDER SUBSECTION (3) OF THAT**
12 **SECTION.**

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

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

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

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

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

1 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL
2 257.617a (failing to stop when involved in a personal injury
3 accident).

4 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
5 257.625, punishable as provided in subsection (9)(b) of that
6 section (operating while intoxicated, second offense).

7 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
8 MCL 257.625m punishable under subsection (4) of that section
9 (operating a commercial vehicle with alcohol content, second
10 offense).

11 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL
12 257.626 (reckless driving).

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

18 (vi) Section 185 of the aeronautics code of the state of
19 Michigan, 1945 PA 327, MCL 259.185, **PUNISHABLE UNDER SUBSECTION (7)**
20 **OF THAT SECTION** (operating aircraft while under the influence of
21 intoxicating liquor or a controlled substance with prior
22 conviction).

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

26 (viii) Section 10 of the motor fuels quality act, 1984 PA 44,
27 MCL 290.650 (hindering, obstructing, assaulting, or committing

1 bodily injury upon director or authorized representative).

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

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

15 (xi) Section 80176 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.80176, and punishable under
17 section 80177(1)(b) (operating vessel under the influence of
18 intoxicating liquor or a controlled substance, second or subsequent
19 offense).

20 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
21 333.7403.

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

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

1 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
2 750.81 (assault or domestic assault).

3 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA
4 328, MCL 750.81a (aggravated assault or aggravated domestic
5 assault).

6 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
7 750.115 (breaking and entering or entering without breaking).

8 (xviii) Section ~~136b(6)~~ **136B(8)** of the Michigan penal code, 1931
9 PA 328, MCL 750.136b (fourth degree child abuse).

10 (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL
11 750.145a (accosting, enticing, or soliciting a child for immoral
12 purposes).

13 (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL
14 750.145n (vulnerable adult abuse).

15 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA
16 328, MCL 750.157b (solicitation to commit a felony).

17 (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL
18 750.215 (impersonating peace officer or medical examiner).

19 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL
20 750.223 (illegal sale of a firearm or ammunition).

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

23 (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL
24 750.226a (sale or possession of a switchblade).

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

27 (xxvii) ~~Section~~ **FORMER SECTION** 228 of the Michigan penal code,

1 1931 PA 328 , ~~MCL 750.228~~ (failure to have a pistol inspected).

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

4 (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL
5 750.232 (failure to register the purchase of a firearm or a firearm
6 component).

7 (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL
8 750.232a (improperly obtaining a pistol, making a false statement
9 on an application to purchase a pistol, or using false
10 identification to purchase a pistol).

11 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL
12 750.233 (intentionally aiming a firearm without malice).

13 (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL
14 750.234 (intentionally discharging a firearm aimed without malice).

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

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

19 (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,
20 MCL 750.234f (possession of a firearm by an individual less than 18
21 years of age).

22 (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL
23 750.235 (intentionally discharging a firearm aimed without malice
24 causing injury).

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

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

3 (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL
4 750.237 (possessing a firearm while under the influence of
5 intoxicating liquor or a drug).

6 (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL
7 750.237a (weapon free school zone violation).

8 (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL
9 750.335a (indecent exposure).

10 (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL
11 750.411h (stalking).

12 (xliii) Section 520e of the Michigan penal code, 1931 PA 328, MCL
13 750.520e (fourth degree criminal sexual conduct).

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

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

18 (xlvi) Section 3a of 1952 PA 45, MCL 752.863a (reckless
19 discharge of a firearm).

20 (xlvii) A violation of a law of the United States, another
21 state, or a local unit of government of this state or another state
22 substantially corresponding to a violation described in
23 subparagraphs (i) to (xlvi).

24 (i) The applicant has not been convicted of a misdemeanor
25 violation of any of the following in the 3 years immediately
26 preceding the date of application unless the misdemeanor violation
27 is listed under subdivision (h):

1 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
2 257.625 (operating under the influence).

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

6 (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.625k (ignition interlock device reporting violation).

8 (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.625l (circumventing an ignition interlocking device).

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

13 (vi) Section 185 of the aeronautics code of the state of
14 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
15 influence).

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

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

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

25 (x) Part 74 of the public health code, 1978 PA 368, MCL
26 333.7401 to 333.7461 (controlled substance violation).

27 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL

1 462.353, ~~(operating locomotive under the influence)~~, punishable
2 under subsection (3) of that section (**OPERATING LOCOMOTIVE UNDER**
3 **THE INFLUENCE**).

4 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
5 750.167 (disorderly person).

6 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
7 750.174 (embezzlement).

8 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
9 750.218 (false pretenses with intent to defraud).

10 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
11 750.356 (larceny).

12 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
13 750.356d (second degree retail fraud).

14 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
15 750.359 (larceny —**FROM A** vacant building **OR STRUCTURE**).

16 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
17 750.362 (larceny by conversion).

18 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
19 750.362a (larceny-defrauding lessor).

20 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL
21 750.377a (malicious destruction of property).

22 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
23 750.380 (malicious destruction of real property).

24 (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL
25 750.535 (receiving **OR CONCEALING** stolen property).

26 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,
27 MCL 750.540e (malicious use of ~~telephones~~ **TELECOMMUNICATION SERVICE**

1 OR DEVICE) .

2 (xxiv) 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 (xxiii) .

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

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

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

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

17 (n) Issuing a license to the applicant to carry a concealed
18 pistol in this state is not detrimental to the safety of the
19 applicant or to any other individual. A determination under this
20 subdivision shall be based on clear and convincing evidence of
21 repeated violations of this act, crimes, personal protection orders
22 or injunctions, or police reports or other clear and convincing
23 evidence of the actions of, or statements of, the applicant that
24 bear directly on the applicant's ability to carry a concealed
25 pistol.

26 (8) Upon entry of a court order or conviction of 1 of the
27 enumerated prohibitions for using, transporting, selling,

1 purchasing, carrying, shipping, receiving or distributing a firearm
2 in this section the department of state police shall immediately
3 enter the order or conviction into the law enforcement information
4 network. For purposes of this act, information of the court order
5 or conviction shall not be removed from the law enforcement
6 information network, but may be moved to a separate file intended
7 for the use of the county concealed weapon licensing boards **OR THE**
8 **SECRETARY OF STATE**, the courts, and other government entities as
9 necessary and exclusively to determine eligibility to be licensed
10 under this act.

11 (9) ~~AN~~ **THROUGH DECEMBER 31, 2011, AN** individual, after
12 submitting an application and paying the fee prescribed under
13 subsection (5), shall request and have classifiable fingerprints
14 taken by the county sheriff or a local police agency if that local
15 police agency maintains fingerprinting capability. If the
16 individual requests that classifiable fingerprints be taken by a
17 local police agency, the individual shall also pay to that local
18 police agency a fee of \$15.00 by any method of payment accepted by
19 the unit of local government for payments of other fees and
20 penalties. **BEGINNING JANUARY 1, 2012, AN INDIVIDUAL, AFTER**
21 **SUBMITTING AN APPLICATION AND PAYING THE FEE PRESCRIBED UNDER**
22 **SUBSECTION (5), SHALL REQUEST AND HAVE CLASSIFIABLE FINGERPRINTS**
23 **TAKEN BY THE DEPARTMENT OF STATE POLICE.** The county sheriff or
24 local police agency **OR THE DEPARTMENT OF STATE POLICE** shall take
25 the fingerprints within 5 business days after the request.

26 (10) The fingerprints shall be taken, under subsection (9), on
27 forms and in a manner prescribed by the department of state police.

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

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

26 (12) A license to carry a concealed pistol that is issued
27 based upon an application that contains a material false statement

1 is void from the date the license is issued.

2 (13) Subject to subsections (10) and (14), the concealed
3 weapon licensing board **OR THE SECRETARY OF STATE** shall issue or
4 deny issuance of a license within 45 days after the concealed
5 weapon licensing board **OR THE SECRETARY OF STATE** receives the
6 fingerprint comparison report provided under subsection (10). If
7 the concealed weapon licensing board **OR THE SECRETARY OF STATE**
8 denies issuance of a license to carry a concealed pistol, the
9 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall
10 within 5 business days do both of the following:

11 (a) Inform the applicant in writing of the reasons for the
12 denial. Information under this subdivision shall include all of the
13 following:

14 (i) A statement of the specific and articulable facts
15 supporting the denial.

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

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

20 (14) If the fingerprint comparison report is not received by
21 the concealed weapon licensing board **OR THE SECRETARY OF STATE**
22 within 60 days after the fingerprint report is forwarded to the
23 department of state police by the federal bureau of investigation,
24 the concealed weapon licensing board **OR THE SECRETARY OF STATE**
25 shall issue a temporary license to carry a concealed pistol to the
26 applicant if the applicant is otherwise qualified for a license. A
27 temporary license issued under this section is valid for 180 days

1 or until the concealed weapon licensing board **OR THE SECRETARY OF**
2 **STATE** receives the fingerprint comparison report provided under
3 subsection (10) and issues or denies issuance of a license to carry
4 a concealed pistol as otherwise provided under this act. Upon
5 issuance or the denial of issuance of the license to carry a
6 concealed pistol to an applicant who received a temporary license
7 under this section, the applicant shall immediately surrender the
8 temporary license to the concealed weapon licensing board that
9 issued that temporary license, **THROUGH DECEMBER 31, 2011, OR,**
10 **BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.**

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

19 (16) If a concealed weapons licensing board **OR THE SECRETARY**
20 **OF STATE** suspends or revokes a license issued under this act, the
21 license is forfeited and shall be returned **FORTHWITH** to the
22 concealed weapon licensing board, ~~forthwith~~ **THROUGH DECEMBER 31,**
23 **2011, OR, BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.** An
24 individual who fails to return a license as required under this
25 subsection after he or she was notified that his or her license was
26 suspended or revoked is guilty of a misdemeanor punishable by
27 imprisonment for not more than 93 days or a fine of not more than

1 \$500.00, or both.

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

6 (18) This section does not prohibit the concealed weapon
7 licensing board, **THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY**
8 **1, 2012, THE SECRETARY OF STATE** from making public and distributing
9 to the public at no cost lists of individuals who are certified as
10 qualified instructors as prescribed under section 5j.

11 (19) As used in this section:

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

18 (b) "Felony" means that term as defined in section 1 of
19 chapter I of the code of criminal procedure, 1927 PA 175, MCL
20 761.1, or a violation of a law of the United States or another
21 state that is designated as a felony or that is punishable by death
22 or by imprisonment for more than 1 year.

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

27 (d) "Misdemeanor" means a violation of a penal law of this

1 state or violation of a local ordinance substantially corresponding
2 to a violation of a penal law of this state that is not a felony or
3 a violation of an order, rule, or regulation of a state agency that
4 is punishable by imprisonment or a fine that is not a civil fine,
5 or both.

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

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

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

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

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

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

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

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

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

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

27 Sec. 5d. (1) If the concealed weapon licensing board **OR THE**

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

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

17 (3) If the court determines that the decision of the concealed
18 weapon licensing board to deny issuance of a license to an
19 applicant was arbitrary and capricious, the court shall order this
20 state to pay 1/3 and the county in which the concealed weapon
21 licensing board is located to pay 2/3 of the actual costs and
22 actual attorney fees of the applicant in appealing the denial. **IF**
23 **THE COURT DETERMINES THAT THE DECISION OF THE SECRETARY OF STATE TO**
24 **DENY ISSUANCE OF A LICENSE TO AN APPLICANT WAS ARBITRARY AND**
25 **CAPRICIOUS, THE COURT SHALL ORDER THIS STATE TO PAY THE ACTUAL**
26 **COSTS AND ACTUAL ATTORNEY FEES OF THE APPLICANT IN APPEALING THE**
27 **DENIAL.**

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

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

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

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

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

17 (d) A statement of all criminal charges pending and criminal
18 convictions obtained against the individual during the license
19 period.

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

23 (2) If an individual who was denied a license to carry a
24 concealed pistol after ~~the effective date of the amendatory act~~
25 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a
26 license to carry a concealed pistol, the department of state police
27 shall delete from the computerized database the previous reasons

1 for the denial.

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

5 (4) Information in the database, compiled under subsections
6 (1) through (3), is confidential, is not subject to disclosure
7 under the freedom of information act, 1976 PA 442, MCL 15.231 to
8 15.246, and shall not be disclosed to any person except for
9 purposes of this act or for law enforcement purposes. The
10 information compiled under subsection (5) is subject to disclosure
11 under the freedom of information act, 1976 PA 442, MCL 15.231 to
12 15.246.

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

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

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

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

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

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

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

23 (g) The number of applications pending at the time the report
24 is made.

25 (h) The mean and median amount of time and the longest and
26 shortest amount of time used by the federal bureau of investigation
27 to supply the fingerprint comparison report required in section

1 5b(11). The department may use a statistically significant sample
2 to comply with this subdivision.

3 (i) The number of charges of state civil infractions of this
4 act or charges of criminal violations, categorized by offense,
5 filed against individuals licensed to carry a concealed pistol that
6 resulted in a finding of responsibility or a criminal conviction.
7 The report shall indicate the number of crimes in each category of
8 criminal offense that involved the brandishing or use of a pistol,
9 the number that involved the carrying of a pistol by the license
10 holder during the commission of the crime, and the number in which
11 no pistol was carried by the license holder during the commission
12 of the crime.

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

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

17 (l) The number of cases filed against individuals licensed to
18 carry a concealed pistol for criminal violations that resulted in a
19 finding of not responsible or not guilty, categorized by offense.

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

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

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

26 Sec. 5f. (1) An individual who is licensed under this act to
27 carry a concealed pistol shall have his or her license to carry

1 that pistol in his or her possession at all times he or she is
2 carrying a concealed pistol.

3 (2) An individual who is licensed under this act to carry a
4 concealed pistol and who is carrying a concealed pistol shall show
5 both of the following to a peace officer upon request by that peace
6 officer:

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

8 (b) His or her driver license or Michigan personal
9 identification card.

10 (3) An individual licensed under this act to carry a concealed
11 pistol and who is carrying a concealed pistol and who is stopped by
12 a peace officer shall immediately disclose to the peace officer
13 that he or she is carrying a pistol concealed upon his or her
14 person or in his or her vehicle.

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

18 (5) An individual who violates subsection (3) is responsible
19 for a state civil infraction and may be fined as follows:

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

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

26 (6) If an individual is found responsible for a state civil
27 infraction under this section, the court shall notify the

1 department of state police and the concealed weapon licensing board
2 that issued the license, **THROUGH DECEMBER 31, 2011, OR, BEGINNING**
3 **JANUARY 1, 2012, THE SECRETARY OF STATE** of that determination.

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

19 (a) The individual has his or her driver license or Michigan
20 personal identification card in his or her possession when the
21 violation occurs.

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

25 (8) As used in this section, "peace officer" includes a motor
26 carrier officer appointed under section 6d of 1935 PA 59, MCL
27 28.6d, and security personnel employed by the state under section

1 6c of 1935 PA 59, MCL 28.6c.

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

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

11 (i) The safe storage, use, and handling of a pistol including,
12 but not limited to, safe storage, use, and handling to protect
13 child safety.

14 (ii) Ammunition knowledge, and the fundamentals of pistol
15 shooting.

16 (iii) Pistol shooting positions.

17 (iv) Firearms and the law, including civil liability issues and
18 the use of deadly force. This portion shall be taught by an
19 attorney or an individual trained in the use of deadly force.

20 (v) Avoiding criminal attack and controlling a violent
21 confrontation.

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

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

26 (c) The program provides a certificate of completion that
27 states the program complies with the requirements of this section

1 and that the individual successfully completed the course, and that
2 contains the printed name and signature of the course instructor.
3 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion
4 shall contain the statement, "This course complies with section 5j
5 of 1927 PA 372."

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

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

10 (a) Grant a certificate of completion described under
11 subsection (1)(c) to an individual knowing the individual did not
12 satisfactorily complete the course.

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

17 (3) A person who violates subsection (2) is guilty of a felony
18 punishable by imprisonment for not more than 4 years or a fine of
19 not more than \$2,500.00, or both.

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

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

5 Sec. 5k. (1) Acceptance of a license issued under this act to
6 carry a concealed pistol constitutes implied consent to submit to a
7 chemical analysis under this section. This section also applies to
8 individuals listed in section 12a(a) to (f).

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

14 (a) If the person was under the influence of alcoholic liquor
15 or a controlled substance or a combination of alcoholic liquor and
16 a controlled substance, or had a bodily alcohol content of .10 or
17 more grams per 100 milliliters of blood, per 210 liters of breath,
18 or per 67 milliliters of urine, the individual is guilty of a
19 misdemeanor punishable by imprisonment for not more than 93 days or
20 \$100.00, or both. The court shall order the concealed weapon
21 licensing board that issued the individual a license to carry a
22 concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**
23 **STATE** to permanently revoke the license. The concealed weapon
24 licensing board **OR THE SECRETARY OF STATE** shall permanently revoke
25 the license as ordered by the court.

26 (b) If the person had a bodily alcohol content of .08 or more
27 but less than .10 grams per 100 milliliters of blood, per 210

1 liters of breath, or per 67 milliliters of urine, the individual is
2 guilty of a misdemeanor punishable by imprisonment for not more
3 than 93 days or \$100.00, or both. The court may order the concealed
4 weapon licensing board that issued the individual a license to
5 carry a concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE**
6 **SECRETARY OF STATE** to revoke the license for not more than 3 years.
7 The concealed weapon licensing board **OR THE SECRETARY OF STATE**
8 shall revoke the license as ordered by the court.

9 (c) If the person had a bodily alcohol content of .02 or more
10 but less than .08 grams per 100 milliliters of blood, per 210
11 liters of breath, or per 67 milliliters of urine, the individual is
12 responsible for a state civil infraction and may be fined not more
13 than \$100.00. The court may order the concealed weapon licensing
14 board that issued the individual the license **OR, BEGINNING JANUARY**
15 **1, 2012, THE SECRETARY OF STATE** to revoke the license for 1 year.
16 The concealed weapon licensing board **OR THE SECRETARY OF STATE**
17 shall revoke the license as ordered by the court. The court shall
18 notify the concealed weapon licensing board that issued the
19 individual a license to carry a concealed pistol **OR, BEGINNING**
20 **JANUARY 1, 2012, THE SECRETARY OF STATE** if an individual is found
21 responsible for a subsequent violation of this subdivision.

22 (3) This section does not prohibit an individual licensed
23 under this act to carry a concealed pistol who has any bodily
24 alcohol content from transporting that pistol in the locked trunk
25 of his or her motor vehicle or another motor vehicle in which he or
26 she is a passenger or, if the vehicle does not have a trunk, from
27 transporting that pistol unloaded in a locked compartment or

1 container that is separated from the ammunition for that pistol or
2 on a vessel if the pistol is transported unloaded in a locked
3 compartment or container that is separated from the ammunition for
4 that pistol.

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

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

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

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

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

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

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

27 (7) If a person refuses to take a chemical test authorized

1 under this section, the peace officer shall promptly report the
2 refusal in writing to the concealed weapon licensing board that
3 issued the license to the individual to carry a concealed pistol
4 **OR, BEGINNING JANUARY 1, 2012, TO THE SECRETARY OF STATE.**

5 (8) If a person takes a chemical test authorized under this
6 section and the test results indicate that the individual had any
7 bodily alcohol content while carrying a concealed pistol, the peace
8 officer shall promptly report the violation in writing to the
9 concealed weapon licensing board that issued the license to the
10 individual to carry a concealed pistol **OR, BEGINNING JANUARY 1,**
11 **2012, TO THE SECRETARY OF STATE.**

12 (9) As used in this section:

13 (a) "Alcoholic liquor" means that term as defined in section
14 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
15 436.1105.

16 (b) "Controlled substance" means that term as defined in
17 section 7104 of the public health code, 1978 PA 368, MCL 333.7401.

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

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

27 (3) The concealed weapon licensing board **OR THE SECRETARY OF**

1 **STATE** shall issue or deny issuance of a renewal license within 60
2 days after the application for renewal is properly submitted. The
3 county clerk **OR THE SECRETARY OF STATE** shall issue the applicant a
4 receipt for his or her renewal application at the time the
5 application is submitted. The receipt shall contain all of the
6 following:

7 (a) The name of the applicant.

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

9 (c) The amount paid.

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

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

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

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

15 (4) If the concealed weapon licensing board **OR THE SECRETARY**
16 **OF STATE** fails to deny or issue a renewal license to the person
17 within 60 days as required under subsection (3), the expiration
18 date of the current license is extended by 180 days or until the
19 renewal license is issued, whichever occurs first. This subsection
20 does not apply unless the person pays the renewal fee at the time
21 the renewal application is submitted and the person has submitted a
22 receipt from a police agency that confirms that a background check
23 has been requested by the applicant.

24 (5) A person carrying a concealed pistol after the expiration
25 date of his or her license pursuant to an extension under
26 subsection (4) shall keep the receipt issued by the county clerk **OR**
27 **THE SECRETARY OF STATE** under subsection (3) and his or her expired

1 license in his or her possession at all times that he or she is
2 carrying the pistol. For the purposes of this act, the receipt is
3 considered to be part of the license to carry a concealed pistol
4 until a renewal license is issued or denied. Failing to have the
5 receipt and expired license in possession while carrying a
6 concealed pistol or failing to display the receipt to a peace
7 officer upon request is a violation of this act.

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

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

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

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

26 (b) The applicant's fingerprints have been submitted to and
27 maintained by the department of state police as described in

1 subdivision (a) for ongoing comparison with the automated
2 fingerprint identification system (AFIS) database.

3 Sec. 5m. A prosecuting attorney shall promptly notify the
4 county concealed weapon licensing board that issued the license **OR,**
5 **BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** of a criminal
6 charge against a license holder for a felony or specified criminal
7 offense as defined in this act. The prosecuting attorney shall
8 promptly notify the county concealed weapon licensing board that
9 issued the license **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**
10 **STATE** of the disposition of the criminal charge. If a license
11 holder is convicted of a crime, the prosecuting attorney's
12 notification shall indicate if the crime involved the brandishing
13 or use of a pistol, if a pistol was carried by the license holder
14 during the commission of the crime, or if no pistol was carried by
15 the license holder during the commission of the crime. The
16 **DEPARTMENT OF** state police shall provide a form for reporting
17 purposes. Each year by a date determined by the director of the
18 department of state police, the chairperson of the county concealed
19 weapon licensing board **OR, BEGINNING JANUARY 1, 2012, THE SECRETARY**
20 **OF STATE** shall compile and provide a report to the department of
21 state police in a format determined by the director of the
22 department of state police containing the information provided to
23 the concealed weapon licensing board **OR THE SECRETARY OF STATE**
24 under this section, section 5f(6), or section 5k(7) or (8).

25 Sec. 5o. (1) Subject to subsection (4), an individual licensed
26 under this act to carry a concealed pistol, or who is exempt from
27 licensure under section 12a(1)(f), shall not carry a concealed

1 pistol on the premises of any of the following:

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

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

12 (c) A sports arena or stadium.

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

1 this subdivision is exempt from disclosure under the freedom of
2 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

13 (g) A hospital.

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

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

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

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

25 (a) An individual licensed under this act who is a retired
26 police officer or retired law enforcement officer. The concealed
27 weapon licensing board **OR THE SECRETARY OF STATE** may require a

1 letter from the law enforcement agency stating that the retired
2 police officer or law enforcement officer retired in good standing.

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

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

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

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

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

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

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

23 (i) A state court judge or state court retired judge who is
24 licensed under this act. The concealed weapon licensing board **OR**
25 **THE SECRETARY OF STATE** may require a state court retired judge to
26 obtain and carry a letter from the judicial tenure commission
27 stating that the state court retired judge is in good standing as

1 authorized under section 30 of article VI of the state constitution
2 of 1963, and rules promulgated under that section, in order to
3 qualify under this subdivision.

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

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

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

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

19 **SEC. 5X. (1) IF A CONCEALED WEAPON LICENSING BOARD DETERMINES**
20 **THAT IT WILL BE UNABLE TO COMPLETE ANY ACTION REQUIRED TO BE TAKEN**
21 **UNDER THIS ACT BY THE CONCEALED WEAPON LICENSING BOARD BEFORE**
22 **DECEMBER 31, 2011, THE CONCEALED WEAPON LICENSING BOARD SHALL**
23 **PROMPTLY NOTIFY THE SECRETARY OF STATE OF THAT DETERMINATION IN**
24 **WRITING.**

25 **(2) IF THE SECRETARY OF STATE IS NOTIFIED BY A CONCEALED**
26 **WEAPON LICENSING BOARD UNDER SUBSECTION (1) THAT IT WILL BE UNABLE**
27 **TO COMPLETE ANY ACTION REQUIRED TO BE TAKEN UNDER THIS ACT, THE**

1 SECRETARY OF STATE SHALL ASSUME RESPONSIBILITY FOR COMPLETING THAT
2 ACTION. THE SECRETARY OF STATE MAY REQUIRE THE COUNTY CLERK ON
3 BEHALF OF THE CONCEALED WEAPON LICENSING BOARD TO TRANSFER TO THE
4 SECRETARY OF STATE ANY APPLICATION, DOCUMENTS, OR INFORMATION
5 REQUIRED TO COMPLETE THE ACTION REQUIRED UNDER THIS ACT.

6 (3) IF A CONCEALED WEAPON LICENSING BOARD IS REQUIRED UNDER
7 SUBSECTION (2) TO TRANSFER ANY APPLICATION, DOCUMENTS, OR
8 INFORMATION TO THE SECRETARY OF STATE, THE COUNTY CLERK ON BEHALF
9 OF THE CONCEALED WEAPON LICENSING BOARD SHALL PROMPTLY NOTIFY THE
10 INDIVIDUAL WHOSE APPLICATION OR OTHER ACTION IS PENDING BEFORE THE
11 CONCEALED WEAPON LICENSING BOARD OF THE TRANSFER TO THE SECRETARY
12 OF STATE.

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

17 Sec. 6a. (1) A concealed ~~weapons~~ WEAPON licensing board,
18 THROUGH DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, THE
19 SECRETARY OF STATE may issue to any bank, trust company, armored
20 car company, railway company, express company, or other company,
21 institution, copartnership, or individual having in its, their, or
22 the individual's possession large sums of money or other valuables,
23 a license authorizing the licensee to equip the premises or
24 vehicles under its, their, or the individual's control with gas
25 ejecting devices to be used solely for the purpose of protecting
26 those premises or vehicles and the persons or property in the
27 premises or vehicles from criminal assaults.

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

(3) For purposes of this section, "gas ejecting device" means a device designed for the purpose of rendering a person either temporarily or permanently disabled by the ejection, release, or emission of a gas or other substance.

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

Sec. 8. (1) ~~The~~ **THROUGH DECEMBER 31, 2011, THE** concealed weapon licensing board that issued a license to an individual to carry a concealed pistol **OR, BEGINNING JANUARY 1, 2012, THE**

1 **SECRETARY OF STATE** may revoke ~~that~~ **A** license if the board **OR THE**
2 **SECRETARY OF STATE** determines that the individual committed any
3 violation of this act other than a violation of section 5f(4). If
4 the board **OR THE SECRETARY OF STATE** determines that the individual
5 has been found responsible for 3 or more state civil infraction
6 violations of this act during the license period, the board **OR THE**
7 **SECRETARY OF STATE** shall conduct a hearing and may suspend the
8 individual's license for not more than 1 year.

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

16 (3) If the concealed weapon licensing board **OR THE SECRETARY**
17 **OF STATE** is notified by a law enforcement agency or prosecuting
18 official that an individual licensed to carry a concealed pistol is
19 charged with a felony or misdemeanor as defined in this act, the
20 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall
21 immediately suspend the individual's license until there is a final
22 disposition of the charge for that offense and send notice of that
23 suspension to the individual's last known address as indicated in
24 the records of the concealed weapon licensing board **OR THE**
25 **SECRETARY OF STATE**. The notice shall inform the individual that he
26 or she is entitled to a prompt hearing on the suspension, and the
27 concealed weapon licensing board **OR THE SECRETARY OF STATE** shall

1 conduct a prompt hearing if requested in writing by the individual.
2 The requirements of subsection (2) do not apply to this subsection.

3 (4) The concealed weapon licensing board that issued a license
4 to an individual to carry a concealed pistol, **THROUGH DECEMBER 31,**
5 **2011, OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF STATE** shall
6 revoke ~~that~~ **A** license if the board **OR THE SECRETARY OF STATE**
7 determines that the individual is not eligible under this act to
8 receive a license to carry a concealed pistol. The concealed weapon
9 licensing board **OR THE SECRETARY OF STATE** shall immediately send
10 notice of the fact of and the reason for the revocation under this
11 subsection by first-class mail to the individual's last known
12 address as indicated on the records of the concealed weapon
13 licensing board **OR THE SECRETARY OF STATE**. The requirements of
14 subsection (2) do not apply to this subsection.

15 (5) If the concealed weapon licensing board, **THROUGH DECEMBER**
16 **31, 2011, OR, BEGINNING JANUARY 1, 2012, IF THE SECRETARY OF STATE**
17 determines by clear and convincing evidence based on specific
18 articulable facts that the applicant poses a danger to the
19 applicant or to any other person, the concealed weapon licensing
20 board **OR THE SECRETARY OF STATE** shall immediately suspend the
21 individual's license pending a revocation hearing under this
22 section. The concealed weapon licensing board **OR THE SECRETARY OF**
23 **STATE** shall send notice of the suspension to the individual's last
24 known address as indicated in the records of the concealed weapon
25 licensing board **OR THE SECRETARY OF STATE**. The notice shall inform
26 the individual that he or she is entitled to a prompt hearing on
27 the suspension, and the concealed weapon licensing board, **THROUGH**

1 **DECEMBER 31, 2011, OR, BEGINNING JANUARY 1, 2012, THE SECRETARY OF**
2 **STATE** shall conduct a prompt hearing if requested in writing by the
3 individual. The requirements of subsection (2) do not apply to this
4 subsection.

5 (6) If the concealed weapon licensing board **OR THE SECRETARY**
6 **OF STATE** orders a license suspended or revoked under this section
7 or amends a suspension or revocation order, the concealed weapon
8 licensing board **OR THE SECRETARY OF STATE** shall immediately notify
9 a law enforcement agency having jurisdiction in the county in which
10 the concealed weapon licensing board is located, **THROUGH DECEMBER**
11 **31, 2011, OR, BEGINNING JANUARY 1, 2012, THE DEPARTMENT OF STATE**
12 **POLICE** to enter the order or amended order into the law enforcement
13 information network. A law enforcement agency that receives notice
14 of an order or amended order under this subsection from a concealed
15 weapon licensing board **OR THE DEPARTMENT OF STATE POLICE** shall
16 immediately enter the order or amended order into the law
17 enforcement information network as requested by that concealed
18 weapon licensing board **OR THE SECRETARY OF STATE**.

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

23 (8) If an individual is carrying a pistol in violation of a
24 suspension or revocation order or amended order issued under this
25 section but has not previously received notice of the order or
26 amended order, the individual shall be informed of the order or
27 amended order and be given an opportunity to properly store the

1 pistol or otherwise comply with the order or amended order before
2 an arrest is made for carrying the pistol in violation of this act.

3 (9) If a law enforcement agency or officer notifies an
4 individual of a suspension or revocation order or amended order
5 issued under this section who has not previously received notice of
6 the order or amended order, the law enforcement agency or officer
7 shall enter a statement into the law enforcement information
8 network that the individual has received notice of the order or
9 amended order under this section.

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