

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 59**

A bill to amend 1927 PA 372, entitled

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

by amending sections 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, and 8 (MCL 28.421, 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, and 28.428), section 1 as amended by 2012 PA 243, section 2a as amended by 2010 PA 210, section 4 as added by

1992 PA 219, sections 5, 5a, 5e, and 5m as added by 2000 PA 381, sections 5b and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, sections 5f, 5k, and 5o as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL
4 761.1, or a violation of a law of the United States or another
5 state that is designated as a felony or that is punishable by death
6 or by imprisonment for more than 1 year.

7 (b) "Firearm" means a weapon from which a dangerous projectile
8 may be propelled by an explosive, or by gas or air. Firearm does
9 not include a smooth bore rifle or handgun designed and
10 manufactured exclusively for propelling by a spring, or by gas or
11 air, BBs not exceeding .177 caliber.

12 (c) "LICENSING AUTHORITY" MEANS, FOR PURPOSES OF ISSUING A
13 LICENSE TO CARRY A CONCEALED PISTOL ONLY, 1 OF THE FOLLOWING:

14 (i) THROUGH APRIL 30, 2013, THE CONCEALED WEAPON LICENSING
15 BOARD HAVING THE AUTHORITY UNDER THIS ACT TO ISSUE TO AN APPLICANT
16 A LICENSE TO CARRY A CONCEALED PISTOL.

17 (ii) BEGINNING MAY 1, 2013, THE COUNTY SHERIFF HAVING THE
18 AUTHORITY UNDER THIS ACT TO ISSUE TO AN APPLICANT A LICENSE TO
19 CARRY A CONCEALED PISTOL.

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

14 (F) ~~(e)~~—"Pistol" means a loaded or unloaded firearm that is 26
15 inches or less in length, or a loaded or unloaded firearm that by
16 its construction and appearance conceals it as a firearm.

17 (G) ~~(f)~~—"Purchaser" means a person who receives a pistol from
18 another person by purchase or gift.

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

1 (I) ~~(h)~~—"Retired police officer" or "retired law enforcement
2 officer" means an individual who was a police officer or law
3 enforcement officer who was certified as described under section 9a
4 of the commission on the law enforcement standards act, 1965 PA
5 203, MCL 28.609a, and retired in good standing from his or her
6 employment as a police officer or law enforcement officer. **A POLICE
7 OFFICER OR LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING IF HE
8 OR SHE RECEIVES A PENSION OR OTHER RETIREMENT BENEFIT FOR HIS OR
9 HER SERVICE AS A POLICE OFFICER OR LAW ENFORCEMENT OFFICER OR HAS
10 ACTIVELY MAINTAINED A MICHIGAN COMMISSION ON LAW ENFORCEMENT
11 STANDARDS OR EQUIVALENT STATE CERTIFICATION FOR 20 OR MORE
12 CONSECUTIVE YEARS.**

13 (J) ~~(i)~~—"Seller" means a person who sells or gives a pistol to
14 another person.

15 (K) ~~(j)~~—"State court judge" means a judge of the district
16 court, circuit court, probate court, or court of appeals or justice
17 of the supreme court of this state who is serving either by
18 election or appointment.

19 (L) ~~(k)~~—"State court retired judge" means a judge or justice
20 described in subdivision ~~(j)~~—(K) who is retired, or a retired judge
21 of the recorders court.

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

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

27 (b) The person who registered the firearm as described in

subdivision (a) has maintained registration of the firearm since January 1, 2013 without lapse.

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

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

Sec. 2a. (1) ~~An individual who is licensed under section 5b to carry a concealed pistol or who is a federally licensed firearms dealer is~~ **THE FOLLOWING INDIVIDUALS ARE** not required to obtain a license under section 2 to purchase, carry, possess, **USE**, or transport a pistol: -

(A) AN INDIVIDUAL LICENSED UNDER SECTION 5B.

(B) A FEDERALLY LICENSED FIREARMS DEALER.

(C) AN INDIVIDUAL WHO PURCHASES A PISTOL FROM A FEDERALLY LICENSED FIREARMS DEALER IN COMPLIANCE WITH 18 USC 922(T).

(2) If an individual ~~licensed under section 5b or a federally licensed firearms dealer~~ **DESCRIBED IN SUBSECTION (1)** purchases or otherwise acquires a pistol, the seller shall complete a record in ~~quadruplicate~~ **TRIPLICATE** on a form provided by the department of state police. The record shall include the purchaser's concealed weapon license number or, if the purchaser is a federally licensed firearms dealer, his or her dealer license number. **IF THE PURCHASER IS NOT LICENSED UNDER SECTION 5B AND IS NOT A FEDERALLY LICENSED FIREARMS DEALER, THE RECORD SHALL INCLUDE THE DEALER LICENSE NUMBER**

1 **OF THE FEDERALLY LICENSED FIREARMS DEALER WHO IS SELLING THE**
2 **PISTOL.** The purchaser shall sign the record. The seller may retain
3 1 copy of the record. The purchaser shall receive ~~3~~2 copies of the
4 record and forward ~~2 copies~~1 **COPY** to the police department of the
5 city, village, or township in which the purchaser resides, or, if
6 the purchaser does not reside in a city, village, or township
7 having a police department, to the county sheriff, within 10 days
8 following the purchase or acquisition. The return of the ~~copies~~
9 **COPY** to the police department or county sheriff may be made in
10 person or may be made by first-class mail or certified mail sent
11 within the 10-day period to the proper address of the police
12 department or county sheriff. A purchaser who fails to comply with
13 the requirements of this subsection is responsible for a state
14 civil infraction and may be fined not more than \$250.00. If a
15 purchaser is found responsible for a state civil infraction under
16 this subsection, the court shall notify the department of state
17 police. If the purchaser is licensed under section 5b, the court
18 shall notify the ~~concealed weapon licensing board that issued the~~
19 ~~license~~**LICENSING AUTHORITY** of that determination.

20 (3) ~~Within 48 hours after receiving the record copies returned~~
21 ~~under subsection (2), the police department or county sheriff shall~~
22 ~~forward 1 copy of the record to the department of state police. The~~
23 ~~police department or county sheriff shall retain the other copy of~~
24 ~~the record as an official record for not less than 6 years. Within~~
25 10 days after receiving the record ~~copies~~**COPY** returned under
26 subsection (2), the police department or county sheriff shall
27 electronically enter the information into the pistol entry database

1 as required by the department of state police if it has the ability
2 to electronically enter that information. If the police department
3 or county sheriff does not have that ability, the police department
4 or county sheriff shall provide that information to the department
5 of state police in a manner otherwise required by the department of
6 state police. Any police department or county sheriff that provided
7 pistol descriptions to the department of state police under former
8 section 9 of this act shall continue to provide pistol descriptions
9 to the department of state police under this subsection. **WITHIN 48**
10 **HOURS AFTER ENTERING OR OTHERWISE PROVIDING THE INFORMATION ON THE**
11 **RECORD COPY RETURNED UNDER SUBSECTION (2) TO THE DEPARTMENT OF**
12 **STATE POLICE, THE POLICE DEPARTMENT OR COUNTY SHERIFF SHALL FORWARD**
13 **THE COPY OF THE RECORD TO THE DEPARTMENT OF STATE POLICE.** The
14 purchaser has the right to obtain a copy of the information placed
15 in the pistol entry database under this subsection to verify the
16 accuracy of that information. The police department or county
17 sheriff may charge a fee not to exceed \$1.00 for the cost of
18 providing the copy. The purchaser may carry, use, possess, and
19 transport the pistol for 30 days beginning on the date of purchase
20 or acquisition only while he or she is in possession of his or her
21 copy of the record. However, the person is not required to have the
22 record in his or her possession while carrying, using, possessing,
23 or transporting the pistol after this period.

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

26 (5) An individual who makes a material false statement on a
27 sales record under this section is guilty of a felony punishable by

1 imprisonment for not more than 4 years or a fine of not more than
2 \$2,500.00, or both.

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

5 (7) As used in this section, "federally licensed firearms
6 dealer" means an individual who holds a type 01 dealer license
7 under 18 USC 923.

8 Sec. 4. (1) A person who is prohibited from possessing, using,
9 transporting, selling, purchasing, carrying, shipping, receiving,
10 or distributing a firearm under section 224f(2) of the Michigan
11 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~
12 ~~750.224f of the Michigan Compiled Laws, 1931 PA 328, MCL 750.224F,~~
13 may apply to the ~~concealed weapons licensing board~~ **LICENSING**
14 **AUTHORITY** in the county in which he or she resides for restoration
15 of those rights.

16 (2) Not more than 1 application may be submitted under
17 subsection (1) in any calendar year. The ~~concealed weapons~~
18 ~~licensing board~~ **LICENSING AUTHORITY** may charge a fee of not more
19 than \$10.00 for the actual and necessary expenses of each
20 application.

21 (3) The ~~concealed weapons licensing board~~ **AUTHORITY** shall, by
22 written order, ~~of the board,~~ restore the rights of a person to
23 possess, use, transport, sell, purchase, carry, ship, receive, or
24 distribute a firearm if the ~~board~~ **LICENSING AUTHORITY** determines,
25 by clear and convincing evidence, that all of the following
26 circumstances exist:

27 (a) The person properly submitted an application for

1 restoration of those rights as provided under this section.

2 (b) The expiration of 5 years after all of the following
3 circumstances:

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

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

8 (iii) The person has successfully completed all conditions of
9 probation or parole imposed for the violation resulting in the
10 prohibition.

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

14 (4) If the ~~concealed weapons licensing board pursuant to~~
15 **LICENSING AUTHORITY UNDER** subsection (3) refuses to restore a right
16 under this section, the person may petition the circuit court for
17 review of that decision.

18 Sec. 5. (1) County sheriffs, local police agencies, and county
19 clerks shall provide concealed pistol application kits during
20 normal business hours and free of charge to individuals who wish to
21 apply for licenses to carry concealed pistols. Each kit shall only
22 contain all of the following:

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

25 (b) The fingerprint cards ~~required~~ under section
26 ~~5b(11)-5B(10)~~, **IF REQUIRED**.

27 (c) Written information regarding the procedures involved in

1 obtaining a license to carry a concealed pistol, including
 2 information regarding the right to appeal the denial of a license
 3 and the form required for that appeal.

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

6 **(E) REFUND FORMS FOR USE UNDER SECTIONS 5B(14) AND 5I(4).**

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

10 (3) An individual who is denied an application kit under this
 11 section and obtains an order of mandamus directing the ~~concealed~~
 12 ~~weapon licensing board~~ **LICENSING AUTHORITY** to provide him or her
 13 with the application kit shall be awarded his or her actual and
 14 reasonable costs and attorney fees for obtaining the order.

15 (4) The department of state police shall provide the
 16 application kits required under this section to county sheriffs,
 17 local law enforcement agencies, and county clerks in sufficient
 18 quantities to meet demand. The department of state police shall not
 19 charge a fee for the kits.

20 Sec. 5a. (1) ~~Each~~ **THROUGH APRIL 30, 2013, EACH** county shall
 21 have a concealed weapon licensing board. The concealed weapon
 22 licensing board of each county shall have the following members:

23 (a) The county prosecuting attorney or his or her designee.
 24 However, if the county prosecuting attorney decides that he or she
 25 does not want to be a member of the concealed weapon licensing
 26 board, he or she shall notify the county board of commissioners in
 27 writing that he or she does not want to be a member of the

1 concealed weapon licensing board for the balance of his or her term
2 in office. The county board of commissioners shall then appoint a
3 replacement for the prosecuting attorney who is a firearms
4 instructor who has the qualifications prescribed in section
5 5j(1)(c). The person who replaces the prosecuting attorney shall
6 serve on the concealed weapon licensing board in place of the
7 prosecuting attorney for the remaining term of the county
8 prosecuting attorney unless removed for cause by the county board
9 of commissioners. If a vacancy occurs on the concealed weapon
10 licensing board of the person appointed pursuant to this section
11 during the term of office of the county prosecuting attorney, the
12 county board of commissioners shall appoint a replacement person
13 who is a firearms instructor who has the qualifications prescribed
14 in section 5j(1)(c).

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

16 (c) The director of the department of state police or his or
17 her designee.

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

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

22 (b) The prosecuting attorney shall be given an opportunity to
23 object to granting a license to carry a concealed pistol and
24 present evidence bearing directly on an applicant's suitability to
25 carry a concealed pistol safely.

26 (c) The prosecuting attorney shall disclose to the concealed
27 weapon licensing board any information of which he or she has

1 actual knowledge that bears directly on an applicant's suitability
2 to carry a concealed pistol safely.

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

12 (4) The county clerk shall serve as the clerk of the ~~concealed~~
13 ~~weapon licensing board~~. **LICENSING AUTHORITY AND SHALL BE RESPONSIBLE**
14 **FOR STORING AND MAINTAINING ALL RECORDS RELATED TO THE ISSUANCE OR**
15 **DENIAL OF A LICENSE.**

16 (5) Except as otherwise provided in this act, the ~~concealed~~
17 ~~weapon licensing board~~. **LICENSING AUTHORITY** has exclusive authority
18 to issue, deny, revoke, or suspend a license to carry a concealed
19 pistol. The ~~concealed weapon licensing board~~. **LICENSING AUTHORITY**
20 shall perform other duties as provided by law.

21 (6) The concealed weapon licensing board may convene not more
22 than 3 panels to assist the board in evaluating applicants. The
23 panels shall be composed of representatives as prescribed in
24 subsection (1). The panels do not have the authority to issue,
25 deny, revoke, or suspend a license. **THE AUTHORITY OF ANY PANEL**
26 **CONVENED UNDER THIS SUBSECTION SHALL EXPIRE NOT LATER THAN 12**
27 **MIDNIGHT APRIL 30, 2013.**

1 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
2 may investigate the applicant for a license to carry a concealed
3 pistol. The investigation shall be restricted to determining only
4 whether the applicant is eligible under this act to receive a
5 license to carry a concealed pistol, and the investigation
6 regarding the issuance of a license shall end after that
7 determination is made. The ~~concealed weapon licensing board~~
8 **LICENSING AUTHORITY** may require the applicant to appear before the
9 ~~board at a mutually agreed upon time for a conference~~ **LICENSING**
10 **AUTHORITY FOR A CONFERENCE ONLY IF THE LICENSING AUTHORITY HAS**
11 **REASON TO BELIEVE THAT THE APPLICANT MAY NOT BE QUALIFIED UNDER**
12 **THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. THE**
13 **CLERK OF THE LICENSING AUTHORITY SHALL SEND THE NOTIFICATION TO**
14 **APPEAR AT A CONFERENCE IN A SEALED ENVELOPE DELIVERED BY FIRST-**
15 **CLASS MAIL SENT TO THE APPLICANT'S ADDRESS AS SHOWN BY THE RECORDS**
16 **OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL INCLUDE A**
17 **SPECIFIC STATUTORY CITATION FOR EACH DISQUALIFICATION TO BE**
18 **ADDRESSED. THE CONFERENCE SHALL BE HELD AT A DATE AND TIME THAT IS**
19 **MUTUALLY AGREEABLE TO BOTH THE LICENSING AUTHORITY AND THE**
20 **APPLICANT.** The applicant's failure or refusal to appear without
21 valid reason before the ~~concealed weapon licensing board~~ **LICENSING**
22 **AUTHORITY** as provided in this subsection is grounds for the ~~board~~
23 **LICENSING AUTHORITY** to deny issuance of a license to carry a
24 concealed pistol to that applicant.

25 (8) If the ~~concealed weapon licensing board~~ **LICENSING**
26 **AUTHORITY** determines there is probable cause to believe the safety
27 of the applicant or the safety of a member of the applicant's

1 family is endangered by the applicant's inability to immediately
2 obtain a license to carry a concealed pistol, the ~~concealed weapon~~
3 ~~licensing board~~ **LICENSING AUTHORITY** may, pending issuance of a
4 license, issue a temporary license to the individual to carry a
5 concealed pistol. A temporary license shall be on a form provided
6 by the department of state police. A temporary license shall be
7 unrestricted and shall be valid for not more than 180 days. A
8 temporary license may be renewed for 1 additional period of not
9 more than 180 days. A temporary license is, for all other purposes
10 of this act, a license to carry a concealed pistol.

11 (9) The legislative service bureau shall compile the firearms
12 laws of this state, including laws that apply to carrying a
13 concealed pistol, and shall provide copies of the compilation **IN AN**
14 **ELECTRONIC FORMAT** to ~~each concealed weapon licensing board in this~~
15 ~~state for distribution under this subsection. A concealed weapon~~
16 ~~licensing board~~ **THE DEPARTMENT OF THE STATE POLICE. THE DEPARTMENT**
17 **OF STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED LAWS TO EACH**
18 **LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY IN**
19 **THIS STATE TOGETHER WITH INFORMATION REGARDING THE RIGHTS AND**
20 **RESPONSIBILITIES OF APPLICANTS, LICENSE HOLDERS, AND LICENSING**
21 **AUTHORITIES UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL**
22 **ALSO PROVIDE FORMS TO APPEAL ANY DENIAL, SUSPENSION, OR REVOCATION**
23 **OF A LICENSE UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL**
24 **DISTRIBUTE COPIES OF THE COMPILATION, INFORMATION, AND FORMS**
25 **REQUIRED UNDER THIS SUBSECTION IN ELECTRONIC FORMAT TO EACH**
26 **LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY. THE**
27 **CLERK OF A LICENSING AUTHORITY** shall distribute a copy of the

1 compilation, **INFORMATION, AND FORMS** to each individual who applies
2 for a license to carry a concealed pistol at the time the
3 application is submitted. The ~~concealed weapon licensing board~~
4 **CLERK OF A LICENSING AUTHORITY** shall require the applicant to sign
5 a written statement acknowledging that he or she has received a
6 copy of the compilation, **INFORMATION, AND FORMS PROVIDED UNDER THIS**
7 **SUBSECTION**. An individual is not eligible to receive a license to
8 carry a concealed pistol until he or she has signed the statement.

9 (10) **EFFECTIVE 12 MIDNIGHT APRIL 30, 2013, THE COUNTY**
10 **CONCEALED WEAPON LICENSING BOARDS ARE ELIMINATED AND THE DUTIES,**
11 **FUNCTIONS, AND RESPONSIBILITIES OF THOSE BOARDS ARE TRANSFERRED TO**
12 **THE COUNTY SHERIFFS AS PROVIDED IN THIS ACT. EACH COUNTY CONCEALED**
13 **WEAPON LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND**
14 **OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE CLERK OF THE LICENSING**
15 **AUTHORITY OF THE COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN**
16 **12 MIDNIGHT APRIL 30, 2013. ALL PENDING APPLICATIONS REMAIN IN**
17 **PLACE, AND THE SHERIFF FOR THAT COUNTY SHALL PROCESS THOSE**
18 **APPLICATIONS AS PROVIDED IN THIS ACT AS LICENSING AUTHORITY FOR**
19 **THAT COUNTY. THE SHERIFF SHALL NOT CHARGE ANY ADDITIONAL FEE FOR**
20 **RECEIVING OR PROCESSING AN APPLICATION PREVIOUSLY SUBMITTED TO THE**
21 **COUNTY CONCEALED WEAPON LICENSING BOARD, EXCEPT AS OTHERWISE**
22 **PROVIDED IN THIS ACT. A LICENSE TO CARRY A CONCEALED PISTOL ISSUED**
23 **BY A CONCEALED WEAPON LICENSING BOARD BEFORE 12 MIDNIGHT APRIL 30,**
24 **2013 IS VALID AND REMAINS IN EFFECT UNTIL THE EXPIRATION OF THAT**
25 **LICENSE OR AS OTHERWISE PROVIDED BY LAW.**

26 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
27 an individual shall apply to the ~~concealed weapon licensing board~~

1 **LICENSING AUTHORITY** in the county in which that individual resides.
 2 The application shall be filed with the county clerk during the
 3 county clerk's normal business hours. The application shall be on a
 4 form provided by the director of the department of state police and
 5 shall allow the applicant to designate whether the applicant seeks
 6 a temporary license **AND WHETHER HE OR SHE SEEKS AN EXEMPTION FROM**
 7 **THE PROHIBITION AGAINST CARRYING A CONCEALED PISTOL ON THE PREMISES**
 8 **DESCRIBED IN SECTION 50.** The application shall be signed under oath
 9 by the applicant. The oath shall be administered by the county
 10 clerk or his or her representative. The application shall contain
 11 all of the following: ~~information:~~

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

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

22 (c) A statement by the applicant authorizing the ~~concealed~~
 23 ~~weapon licensing board~~ **LICENSING AUTHORITY** to access any record,
 24 including any medical record, pertaining to the applicant's
 25 qualifications for a license to carry a concealed pistol under this
 26 act. The applicant may request that information received by the
 27 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** under this

1 subdivision be reviewed in a closed session. If the applicant
2 requests that the session be closed, the ~~concealed weapon licensing~~
3 ~~board~~ **LICENSING AUTHORITY** shall close the session only for purposes
4 of this subdivision. The applicant and his or her representative
5 have the right to be present in the closed session. Medical records
6 and personal identifying information received by the ~~concealed~~
7 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this subdivision
8 is confidential, is not subject to disclosure under the freedom of
9 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
10 be disclosed to any person except for purposes of this act or for
11 law enforcement purposes or if the applicant is convicted of a
12 felony involving a pistol.

13 (d) A statement by the applicant regarding whether he or she
14 has a history of mental illness that would disqualify him or her
15 under subsection (7)(j) to (l) from receiving a license to carry a
16 concealed pistol, and authorizing the ~~concealed weapon licensing~~
17 ~~board~~ **LICENSING AUTHORITY** to access the mental health records of
18 the applicant relating to his or her mental health history. The
19 applicant may request that information received by the ~~concealed~~
20 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this subdivision
21 be reviewed in a closed session. If the applicant requests that the
22 session be closed, the ~~concealed weapon licensing board~~ **LICENSING**
23 **AUTHORITY** shall close the session only for purposes of this
24 subdivision. The applicant and his or her representative have the
25 right to be present in the closed session. Medical records and
26 personal identifying information received by the ~~concealed weapon~~
27 ~~licensing board~~ **LICENSING AUTHORITY** under this subdivision is

1 confidential, is not subject to disclosure under the freedom of
 2 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
 3 be disclosed to any person except for purposes of this act or for
 4 law enforcement purposes.

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

8 (i) Any felony.

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

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

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

16 (h) The names, residential addresses, and telephone numbers of
 17 2 individuals who are references for the applicant. **REFERENCES**

18 **UNDER THIS SUBDIVISION SHALL NOT BE RELATED TO THE APPLICANT OR BE**
 19 **MEMBERS OF THE SAME HOUSEHOLD AS THE APPLICANT.** Information

20 received under this subdivision is confidential, is not subject to
 21 disclosure under the freedom of information act, 1976 PA 442, MCL
 22 15.231 to 15.246, and shall not be disclosed to any person except
 23 for purposes of this act or for law enforcement purposes.

24 (i) A passport-quality photograph of the applicant provided by
 25 the applicant ~~at the time of application.~~ **OR, IF THE APPLICANT DOES**
 26 **NOT PROVIDE HIS OR HER OWN PASSPORT-QUALITY PHOTOGRAPH, A**
 27 **PHOTOGRAPH OF THE APPLICANT TAKEN BY THE CLERK OF THE LICENSING**

1 AUTHORITY AT NO CHARGE OR FOR A REASONABLE FEE. NEITHER THE CLERK
2 NOR THE LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO HAVE HIS
3 OR HER PHOTOGRAPH TAKEN BY THE CLERK OR BY ANY OTHER SPECIFIC
4 OFFICE OR VENDOR IF THE APPLICANT PROVIDES HIS OR HER OWN
5 PHOTOGRAPH THAT COMPLIES WITH THE REQUIREMENT OF THIS SUBDIVISION.

6 (J) A SIGNATURE OF THE APPLICANT OBTAINED BY THE COUNTY CLERK
7 AT THE TIME OF APPLICATION FOR USE ON HIS OR HER LICENSE TO CARRY A
8 CONCEALED PISTOL OR AS OTHERWISE REQUIRED.

9 (K) ~~(j)~~—A certificate stating that the applicant has completed
10 the training course prescribed by this act.

11 (I) A PROPERLY COMPLETED REFUND AUTHORIZATION FORM SIGNED BY
12 THE APPLICANT THAT WILL ALLOW THE CLERK OF THE LICENSING AUTHORITY
13 TO ISSUE ANY REFUND TO THE APPLICANT AS REQUIRED UNDER THIS ACT
14 WITHOUT ADDITIONAL AUTHORIZATION AND WITHOUT REQUIRING THE
15 APPLICANT TO RETURN TO THE LICENSING AUTHORITY OR ANY OTHER ENTITY
16 TO RECEIVE THE REFUND.

17 (2) NEITHER THE LICENSING AUTHORITY NOR THE CLERK OF THE
18 LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT ANY
19 ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE OF
20 ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL
21 EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR
22 IN THIS ACT. THIS DOES NOT PROHIBIT THE APPLICANT FROM VOLUNTARILY
23 SUBMITTING ADDITIONAL DOCUMENTATION IF HE OR SHE CHOOSES TO DO SO
24 AT HIS OR HER OWN INITIATIVE AND DOES NOT PROHIBIT THE LICENSING
25 AUTHORITY FROM REQUIRING AN APPLICANT IN WRITING TO PROVIDE
26 ADDITIONAL DOCUMENTATION THAT IS NECESSARY TO ADDRESS A SPECIFIC
27 DISQUALIFICATION SET FORTH IN THIS ACT AND IDENTIFIED IN A WRITTEN

1 **NOTICE SENT TO THE APPLICANT UNDER SECTION 5(7).** The application
2 form shall contain a conspicuous warning that the application is
3 executed under oath and that intentionally making a material false
4 statement on the application is a felony punishable by imprisonment
5 for not more than 4 years or a fine of not more than \$2,500.00, or
6 both.

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

11 (4) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
12 shall retain a copy of each application for a license to carry a
13 concealed pistol as an official record. One year after the
14 expiration of a concealed pistol license, the county clerk may
15 destroy the record and maintain only a name index of the record.

16 (5) Each applicant shall pay ~~a nonrefundable~~ **AN APPLICATION**
17 **AND LICENSING** fee of \$105.00 by any method of payment accepted by
18 that county for payments of other fees and penalties. **THE FEE SHALL**
19 **COVER ALL COSTS IN THE APPLICATION AND LICENSING PROCESS THROUGH**
20 **AND INCLUDING THE DENIAL OR ISSUANCE OF A LICENSE.** Except for a
21 local police agency as provided in subsection (9), ~~a unit of local~~
22 ~~government, an agency of a unit of local government, or an agency~~
23 ~~or department of this state shall not charge an additional fee,~~
24 ~~assessment, or other amount in connection with a license under this~~
25 ~~section~~ **NO OTHER CHARGE, FEE, COST, OR ASSESSMENT, INCLUDING ANY**
26 **LOCAL CHARGE, FEE, COST, OR ASSESSMENT, SHALL BE REQUIRED OF THE**
27 **APPLICANT EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS ACT.** The

1 **APPLICATION AND LICENSING** fee shall be payable to the county. The
2 county treasurer shall deposit \$41.00 of each **APPLICATION AND**
3 **LICENSING** fee collected under this section in the ~~general fund of~~
4 ~~the county and credit \$26.00 of that deposit to the credit of the~~
5 ~~county clerk and \$15.00 of that deposit to the credit of the county~~
6 ~~sheriff and~~ **CONCEALED PISTOL LICENSING FUND CREATED IN SECTION 5X.**
7 **THE COUNTY TREASURER SHALL** forward the balance **REMAINING** to the
8 state treasurer. The state treasurer shall deposit the balance of
9 the fee in the general fund to the credit of the department of
10 state police. The department of state police shall use the money
11 received under this act to process the fingerprints and to
12 reimburse the federal bureau of investigation for the costs
13 associated with processing fingerprints submitted under this act.
14 The balance of the money received under this act shall be credited
15 to the department of state police.

16 (6) The county sheriff ~~on behalf of the concealed weapon~~
17 ~~licensing board~~ shall verify the requirements of subsection (7)(d),
18 (e), (f), (h), (i), (j), (k), ~~(l)~~, and (m) through the law
19 enforcement information network and **SHALL VERIFY THE REQUIREMENTS**
20 **OF SUBSECTION (7)(l). THROUGH APRIL 30, 2013, THE COUNTY SHERIFF**
21 **SHALL** report his or her finding to the concealed weapon licensing
22 board. If the applicant resides in a city, village, or township
23 that has a police department, the ~~concealed weapon licensing board~~
24 **LICENSING AUTHORITY** shall contact that city, village, or township
25 police department to determine only whether that city, village, or
26 township police department has any information relevant to the
27 investigation of whether the applicant is eligible under this act

1 to receive a license to carry a concealed pistol. **IN ALL CASES, THE**
2 **LICENSING AUTHORITY SHALL CONTACT THE COUNTY SHERIFF, COUNTY**
3 **PROSECUTING ATTORNEY, AND THE STATE POLICE POST HAVING JURISDICTION**
4 **TO DETERMINE ONLY WHETHER THAT COUNTY SHERIFF, COUNTY PROSECUTING**
5 **ATTORNEY, OR STATE POLICE POST HAS ANY INFORMATION RELEVANT TO THE**
6 **INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT**
7 **TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.** The ~~concealed~~
8 ~~weapon licensing board~~ **LICENSING AUTHORITY** may require a person
9 claiming active duty status with the United States armed forces
10 under this section to provide proof of 1 or both of the following:

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

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

13 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
14 shall issue, **AND THE CLERK OF THE LICENSING AUTHORITY SHALL SEND,** a
15 license to an applicant to carry a concealed pistol within the
16 period required under this act ~~after the applicant properly submits~~
17 ~~an application under subsection (1) and IF the concealed weapon~~
18 ~~licensing board~~ **LICENSING AUTHORITY** determines that all of the
19 following circumstances exist:

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

21 (b) The applicant is a citizen of the United States or is an
22 alien lawfully admitted into the United States, is a legal resident
23 of this state, and has resided in this state for not less than the
24 6 months immediately preceding the date of application. The
25 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** may waive the
26 6-month residency requirement for a temporary license under section
27 5a(8) if the ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**

1 determines there is probable cause to believe the safety of the
2 applicant or the safety of a member of the applicant's family is
3 endangered by the applicant's inability to immediately obtain a
4 license to carry a concealed pistol. If the applicant holds a valid
5 concealed pistol license issued by another state at the time the
6 applicant's residency in this state is established, the ~~concealed~~
7 ~~weapon licensing board~~ **LICENSING AUTHORITY** may waive the 6-month
8 waiting period and the applicant may apply for a concealed pistol
9 license at the time the applicant's residency in this state is
10 established. The ~~concealed weapon licensing board~~ **LICENSING**
11 **AUTHORITY** shall immediately issue **AND THE CLERK OF THE LICENSING**
12 **AUTHORITY SHALL IMMEDIATELY SEND** a temporary license to that
13 applicant. The temporary license shall be valid until the ~~concealed~~
14 ~~weapon licensing board~~ **LICENSING AUTHORITY** decides whether to grant
15 or deny the application. For the purposes of this section, a person
16 shall be considered a legal resident of this state if any of the
17 following apply:

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

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

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

26 (iv) The person is on active duty status with the United States
27 armed forces and is permanently stationed in this state, but the

1 person's home of record is in another state.

2 (c) The applicant has knowledge and has had training in the
3 safe use and handling of a pistol by the successful completion of a
4 pistol safety training course or class that meets the requirements
5 of section 5j, and that is available to the general public and
6 presented by a law enforcement agency, junior or community college,
7 college, or public or private institution or organization or
8 firearms training school.

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

11 (i) Section 464a of the mental health code, 1974 PA 258, MCL
12 330.1464a.

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

15 (iii) Sections 2950 and 2950a of the revised judicature act of
16 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

17 (iv) Section 6b of chapter V of the code of criminal procedure,
18 1927 PA 175, MCL 765.6b, if the order has a condition imposed
19 ~~pursuant to~~ **UNDER** section 6b(3) of chapter V of the code of
20 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

27 (f) The applicant has never been convicted of a felony in this

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

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

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

9 ~~—— (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL~~
 10 ~~257.617a (failing to stop when involved in a personal injury~~
 11 ~~accident).~~

12 ~~—— (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
 13 ~~257.625, punishable as provided in subsection (9)(b) of that~~
 14 ~~section (operating while intoxicated, second offense).~~

15 ~~—— (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,~~
 16 ~~MCL 257.625m punishable under subsection (4) of that section~~
 17 ~~(operating a commercial vehicle with alcohol content, second~~
 18 ~~offense).~~

19 ~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL~~
 20 ~~257.626 (reckless driving).~~

21 ~~—— (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,~~
 22 ~~MCL 257.904 (operating while license suspended or revoked),~~
 23 ~~punishable as a second or subsequent offense.~~

24 (i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL
 25 INJURY ACCIDENT), 625(9)(B) (OPERATING WHILE INTOXICATED, SECOND
 26 OFFENSE), 625M(4) (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL
 27 CONTENT, SECOND OFFENSE), 626 (RECKLESS DRIVING), OR 904(1)

1 (OPERATING WHILE LICENSE SUSPENDED OR REVOKED, SECOND OR SUBSEQUENT
2 OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A,
3 257.625, 257.625M, 257.626, AND 257.904.

4 (ii) ~~(vi)~~ Section ~~185~~ 185 (7) of the aeronautics code of the
5 state of Michigan, 1945 PA 327, MCL 259.185 (operating aircraft
6 while under the influence of intoxicating liquor or a controlled
7 substance with prior conviction).

8 (iii) ~~(vii)~~ Section 29 of the weights and measures act, 1964 PA
9 283, MCL 290.629 (hindering or obstructing certain persons
10 performing official weights and measures duties).

11 (iv) ~~(viii)~~ Section 10 of the motor fuels quality act, 1984 PA
12 44, MCL 290.650 (hindering, obstructing, assaulting, or committing
13 bodily injury upon director or authorized representative).

14 ~~—— (ix) Section 81134 of the natural resources and environmental~~
15 ~~protection act, 1994 PA 451, MCL 324.81134, punishable under~~
16 ~~subsection (5) or (6) of that section (operating ORV under the~~
17 ~~influence of intoxicating liquor or a controlled substance, second~~
18 ~~or subsequent offense).~~

19 ~~—— (x) Section 82127 of the natural resources and environmental~~
20 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~
21 ~~under the influence of intoxicating liquor or a controlled~~
22 ~~substance), punishable as a second or subsequent offense under~~
23 ~~section 82128(1)(b) or (c) of the natural resources and~~
24 ~~environmental protection act, 1994 PA 451, MCL 324.82128.~~

25 ~~—— (xi) Section 80176 of the natural resources and environmental~~
26 ~~protection act, 1994 PA 451, MCL 324.80176, and punishable under~~
27 ~~section 80177(1)(b) (operating vessel under the influence of~~

~~intoxicating liquor or a controlled substance, second or subsequent offense).~~

(v) SECTION 81134(5) OR (6) (OPERATING ORV UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE), 82127 AS PUNISHABLE UNDER SECTION 82128(1)(B) (OPERATING SNOWMOBILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE), OR 80176 AS PUNISHABLE UNDER SECTION 80177(1)(B) (OPERATING VESSEL UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81134, 324.82127, 324.82128, 324.80176, AND 324.80177.

(vi) ~~(xii)~~ Section 7403 of the public health code, 1978 PA 368, MCL 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE ANALOGUE, OR PRESCRIPTION FORM).

(vii) ~~(xiii)~~ Section 353 of the railroad code of 1993, 1993 PA 354, MCL 462.353, ~~(operating locomotive under the influence of intoxicating liquor or a controlled substance, or while visibly impaired),~~ punishable under subsection (4) of that section (OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE).

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

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

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

1 ~~—— (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL~~
2 ~~750.115 (breaking and entering or entering without breaking).~~

3 ~~—— (xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328,~~
4 ~~MCL 750.136b (fourth degree child abuse).~~

5 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
6 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
7 ~~purposes).~~

8 ~~—— (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.145n (vulnerable adult abuse).~~

10 ~~—— (xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA~~
11 ~~328, MCL 750.157b (solicitation to commit a felony).~~

12 ~~—— (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.215 (impersonating peace officer or medical examiner).~~

14 ~~—— (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL~~
15 ~~750.223 (illegal sale of a firearm or ammunition).~~

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

18 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL~~
19 ~~750.226a (sale or possession of a switchblade).~~

20 ~~—— (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,~~
21 ~~MCL 750.227c (improper transportation of a loaded firearm).~~

22 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~
23 ~~750.228 (failure to have a pistol inspected).~~

24 ~~—— (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,~~
25 ~~MCL 750.229 (accepting a pistol in pawn).~~

26 ~~—— (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL~~
27 ~~750.232 (failure to register the purchase of a firearm or a firearm~~

1 ~~component).~~

2 ~~—— (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL~~
3 ~~750.232a (improperly obtaining a pistol, making a false statement~~
4 ~~on an application to purchase a pistol, or using false~~
5 ~~identification to purchase a pistol).~~

6 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~
7 ~~750.233 (intentionally aiming a firearm without malice).~~

8 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.234 (intentionally discharging a firearm aimed without malice).~~

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

12 ~~—— (xxxiv) Section 234e of the Michigan penal code, 1931 PA 328,~~
13 ~~MCL 750.234e (brandishing a firearm in public).~~

14 ~~—— (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,~~
15 ~~MCL 750.234f (possession of a firearm by an individual less than 18~~
16 ~~years of age).~~

17 ~~—— (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL~~
18 ~~750.235 (intentionally discharging a firearm aimed without malice~~
19 ~~causing injury).~~

20 ~~—— (xxxvii) Section 235a of the Michigan penal code, 1931 PA 328,~~
21 ~~MCL 750.235a (parent of a minor who possessed a firearm in a weapon~~
22 ~~free school zone).~~

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

25 ~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL~~
26 ~~750.237 (possessing a firearm while under the influence of~~
27 ~~intoxicating liquor or a drug).~~

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

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

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

~~—— (xlili) Section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e (fourth degree criminal sexual conduct).~~

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

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

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

(ix) SECTION 81 (ASSAULT OR DOMESTIC ASSAULT), 81A(1) OR (2) (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT), 115 (BREAKING AND ENTERING OR ENTERING WITHOUT BREAKING), 136B(8) (FOURTH DEGREE CHILD ABUSE), 145N (VULNERABLE ADULT ABUSE), 157B(3) (B) (SOLICITATION TO COMMIT A FELONY), 215 (IMPERSONATING PEACE OFFICER OR MEDICAL EXAMINER), 223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION), 224D (ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY), 226A (SALE OR POSSESSION OF A SWITCHBLADE), 227C (IMPROPER TRANSPORTATION OF A LOADED FIREARM), 228 (FAILURE TO HAVE A PISTOL INSPECTED), 229 (ACCEPTING A PISTOL IN PAWN), 232 (FAILURE TO REGISTER THE PURCHASE OF A FIREARM OR A FIREARM COMPONENT), 232A (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A PISTOL, OR USING FALSE IDENTIFICATION TO

1 PURCHASE A PISTOL), 233 (INTENTIONALLY AIMING A FIREARM WITHOUT
 2 MALICE), 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
 3 MALICE), 234D (POSSESSING A FIREARM ON PROHIBITED PREMISES), 234E
 4 (BRANDISHING A FIREARM IN PUBLIC), 234F (POSSESSION OF A FIREARM BY
 5 AN INDIVIDUAL LESS THAN 18 YEARS OF AGE), 235 (INTENTIONALLY
 6 DISCHARGING A FIREARM AIMED WITHOUT MALICE CAUSING INJURY), 235A
 7 (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A WEAPON FREE SCHOOL
 8 ZONE), 236 (SETTING A SPRING GUN OR OTHER DEVICE), 237 (POSSESSING
 9 A FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
 10 CONTROLLED SUBSTANCE), 237A (WEAPON FREE SCHOOL ZONE VIOLATION),
 11 335A (INDECENT EXPOSURE), 411H (STALKING), OR 520E (FOURTH DEGREE
 12 CRIMINAL SEXUAL CONDUCT) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
 13 MCL 750.81, 750.81A, 750.115, 750.136B, 750.145N, 750.157B,
 14 750.215, 750.223, 750.224D, 750.226A, 750.227C, 750.228, 750.229,
 15 750.232, 750.232A, 750.233, 750.234, 750.234D, 750.234E, 750.234F,
 16 750.235, 750.235A, 750.236, 750.237, 750.237A, 750.335A, 750.411H,
 17 AND 750.520E.

18 (x) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A
 19 FIREARM RESULTING IN INJURY OR DEATH), 2 (CARELESS, RECKLESS, OR
 20 NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY DAMAGE), OR 3A
 21 (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA 45, MCL 752.861,
 22 752.862, AND 752.863A.

23 (xi) ~~(xlvii)~~—A violation of a law of the United States, another
 24 state, or a local unit of government of this state or another state
 25 substantially corresponding to a violation described in
 26 subparagraphs (i) to ~~(xlv)~~ (x).

27 (i) The applicant has not been convicted of a misdemeanor

violation of any of the following in the 3 years immediately preceding the date of application unless the misdemeanor violation is listed under subdivision (h):

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

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

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

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

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

(i) SECTION 625 (OPERATING UNDER THE INFLUENCE), 625A (REFUSAL OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL TEST), 625K (IGNITION INTERLOCK DEVICE REPORTING VIOLATION), 625l (CIRCUMVENTING AN IGNITION INTERLOCK DEVICE), OR 625M(3) (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL CONTENT) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, 257.625A, 257.625K, 257.625l, AND 257.625M.

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

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

1 ~~—— (viii) Section 81135 of the natural resources and environmental~~
2 ~~protection act, 1994 PA 451, MCL 324.81135 (operating ORV while~~
3 ~~visibly impaired).~~

4 ~~—— (ix) Section 82127 of the natural resources and environmental~~
5 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~
6 ~~under the influence).~~

7 **(iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), 81135**
8 **(OPERATING ORV WHILE VISIBLY IMPAIRED), OR 82127 (OPERATING A**
9 **SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL RESOURCES AND**
10 **ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81134,**
11 **324.81135, AND 324.82127.**

12 **(iv) ~~(x)~~**Part 74 of the public health code, 1978 PA 368, MCL
13 333.7401 to 333.7461 (controlled substance violation).

14 **(v) ~~(xi)~~**Section 353 of the railroad code of 1993, 1993 PA 354,
15 MCL 462.353, ~~(operating locomotive under the influence),~~ punishable
16 under subsection (3) of that section **(OPERATING LOCOMOTIVE UNDER**
17 **THE INFLUENCE) .**

18 ~~—— (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL~~
19 ~~750.167 (disorderly person).~~

20 ~~—— (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL~~
21 ~~750.174 (embezzlement).~~

22 ~~—— (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL~~
23 ~~750.218 (false pretenses with intent to defraud).~~

24 ~~—— (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL~~
25 ~~750.356 (larceny).~~

26 ~~—— (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL~~
27 ~~750.356d (second degree retail fraud).~~

1 ~~—— (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL~~
 2 ~~750.359 (larceny vacant building).~~

3 ~~—— (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL~~
 4 ~~750.362 (larceny by conversion).~~

5 ~~—— (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL~~
 6 ~~750.362a (larceny defrauding lesser).~~

7 ~~—— (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL~~
 8 ~~750.377a (malicious destruction of property).~~

9 ~~—— (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL~~
 10 ~~750.380 (malicious destruction of real property).~~

11 ~~—— (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL~~
 12 ~~750.535 (receiving stolen property).~~

13 ~~—— (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,~~
 14 ~~MCL 750.540e (malicious use of telephones).~~

15 (vi) SECTION 167 (DISORDERLY PERSON), 174 (EMBEZZLEMENT), 218
 16 (FALSE PRETENSES WITH INTENT TO DEFRAUD), 356 (LARCENY), 356D(2)
 17 (SECOND DEGREE RETAIL FRAUD), 359 (LARCENY FROM A VACANT BUILDING
 18 OR STRUCTURE), 362 (LARCENY BY CONVERSION), 362A (LARCENY -
 19 DEFRAUDING LESSOR), 377A (MALICIOUS DESTRUCTION OF PROPERTY), 380
 20 (MALICIOUS DESTRUCTION OF REAL PROPERTY), 535 (RECEIVING OR
 21 CONCEALING STOLEN PROPERTY), OR 540E (MALICIOUS USE OF
 22 TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE MICHIGAN PENAL CODE,
 23 1931 PA 328, MCL 750.167, 750.174, 750.218, 750.356, 750.356D,
 24 750.359, 750.362, 750.362A, 750.377A, 750.380, 750.535, AND
 25 750.540E.

26 (vii) ~~(xxiv)~~ A violation of a law of the United States, another
 27 state, or a local unit of government of this state or another state

1 substantially corresponding to a violation described in
2 subparagraphs (i) to ~~(xiii)~~ **(vi)** .

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

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

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

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

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

23 (8) Upon entry of a court order or conviction of 1 of the
24 enumerated prohibitions for using, transporting, selling,
25 purchasing, carrying, shipping, receiving or distributing a firearm
26 in this section the department of state police shall immediately
27 enter the order or conviction into the law enforcement information

1 network. For purposes of this act, information of the court order
2 or conviction shall not be removed from the law enforcement
3 information network, but may be moved to a separate file intended
4 for the use of the ~~county concealed weapon licensing boards,~~
5 **LICENSING AUTHORITIES**, the courts, and other government entities as
6 necessary and exclusively to determine eligibility to be licensed
7 under this act.

8 (9) An individual, after submitting an application and paying
9 the fee prescribed under subsection (5), shall request ~~and have~~
10 **THAT** classifiable fingerprints **BE** taken by the county sheriff or a
11 local police agency if that local police agency maintains
12 fingerprinting capability. If the individual requests that
13 classifiable fingerprints be taken by a local police agency, the
14 individual shall also pay to that local police agency a fee of
15 \$15.00 by any method of payment accepted by the unit of local
16 government for payments of other fees and penalties. The county
17 sheriff or local police agency shall take the fingerprints within 5
18 business days after the request, **AND SHALL PROVIDE A RECEIPT TO THE**
19 **APPLICANT VERIFYING THAT THE FINGERPRINTS HAVE BEEN TAKEN UNDER**
20 **THIS SUBSECTION. THE RECEIPT SHALL CONTAIN A STATEMENT THAT THE**
21 **APPLICANT SHOULD RETAIN THE RECEIPT FOR PURPOSES OF OBTAINING A**
22 **REFUND UNDER SUBSECTION (14). COUNTY SHERIFFS AND LOCAL POLICE**
23 **AGENCIES THAT MAINTAIN FINGERPRINTING CAPABILITY SHALL PROVIDE**
24 **REASONABLE ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS**
25 **HOURS AS IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.**

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 fingerprints shall be immediately forwarded to the department
2 of state police for comparison with fingerprints already on file
3 with the department of state police. The department of state police
4 shall **IMMEDIATELY** forward the fingerprints to the federal bureau of
5 investigation. Within ~~10~~ 7 days after receiving a report of the
6 fingerprints from the federal bureau of investigation, the
7 department of state police shall provide a copy to the submitting
8 sheriff's department or local police agency as appropriate and ~~the~~
9 ~~clerk of~~ **TO** the appropriate ~~concealed weapon licensing board~~.

10 **LICENSING AUTHORITY.** Except as provided in subsection (14), the
11 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall not
12 issue a concealed pistol license until it receives the fingerprint
13 comparison report prescribed in this subsection. The ~~concealed~~
14 ~~weapon licensing board~~ **LICENSING AUTHORITY** may deny a license if an
15 individual's fingerprints are not classifiable by the federal
16 bureau of investigation **AND A REPORT CANNOT BE OBTAINED BASED ON**
17 **THE INDIVIDUAL'S NAME, DATE OF BIRTH, AND OTHER IDENTIFYING**
18 **INFORMATION.**

19 (11) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
20 shall deny a license to an applicant to carry a concealed pistol if
21 the applicant is not qualified under subsection (7) to receive that
22 license.

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

26 (13) Subject to subsections (10) and (14), the ~~concealed~~
27 ~~weapon licensing board~~ **LICENSING AUTHORITY** shall issue or deny

1 issuance of a license within 45 days after the ~~concealed weapon~~
2 ~~licensing board receives the fingerprint comparison report provided~~
3 ~~under subsection (10)~~ **DATE THE APPLICANT HAS CLASSIFIABLE**
4 **FINGERPRINTS TAKEN UNDER SUBSECTION (9) . THE LICENSING AUTHORITY**
5 **SHALL INCLUDE AN EXEMPTION INDORSEMENT FROM THE PROHIBITIONS**
6 **AGAINST CARRYING A CONCEALED PISTOL ON PREMISES DESCRIBED IN**
7 **SECTION 50 IF THE APPLICANT REQUESTS THE EXEMPTION INDORSEMENT ON**
8 **HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE EXEMPTION UNDER**
9 **SECTION 50(4) (K) .** If the ~~concealed weapon licensing board~~ **LICENSING**
10 **AUTHORITY** denies issuance of a license to carry a concealed pistol,
11 **OR DENIES AN EXEMPTION UNDER SECTION 50(4) (K) ,** the ~~concealed weapon~~
12 ~~licensing board~~ **LICENSING AUTHORITY** shall within ~~5 business~~ **7** days
13 do both of the following:

14 (a) Inform the applicant in writing of the reasons for the
15 denial. Information under this subdivision shall include all of the
16 following:

17 (i) A statement of the specific and articulable facts
18 supporting the denial.

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

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

23 ~~(14) If the fingerprint comparison report is not received by~~
24 ~~the concealed weapon licensing board within 60 days after the~~
25 ~~fingerprint report is forwarded to the department of state police~~
26 ~~by the federal bureau of investigation, the concealed weapon~~
27 ~~licensing board~~ **IF A LICENSE IS NOT GRANTED OR DENIED UNDER**

1 SUBSECTION (13) WITHIN 45 DAYS AFTER THE DATE THE APPLICANT HAS
2 CLASSIFIABLE FINGERPRINTS TAKEN UNDER SUBSECTION (9), THE CLERK OF
3 THE LICENSING AUTHORITY shall, ~~issue a temporary license to carry a~~
4 ~~concealed pistol to the applicant if the applicant is otherwise~~
5 ~~qualified for a license.~~ WITHIN 10 DAYS, ISSUE BY MAIL A TEMPORARY
6 LICENSE TO CARRY A CONCEALED PISTOL TO THE APPLICANT ALONG WITH A
7 REFUND OF THE PORTION OF THE APPLICATION AND LICENSING FEE
8 DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND UNDER SUBSECTION
9 (5) FROM THE ACCOUNT CREDITED TO THE LICENSING AUTHORITY WITHIN THE
10 CONCEALED PISTOL LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT
11 FUNDS WITHIN THAT ACCOUNT TO PAY THAT REFUND, WITH ANY DEFICIT IN
12 THAT BALANCE BEING PAID FROM THE COUNTY GENERAL FUND. IF THE CLERK
13 OF THE LICENSING AUTHORITY FAILS TO ISSUE A TEMPORARY LICENSE AND
14 TO REFUND THE LICENSING AUTHORITY'S PORTION OF THE FEE WITHIN 10
15 DAYS AS PROVIDED IN THIS SUBSECTION, THE CLERK SHALL IMMEDIATELY
16 ISSUE A TEMPORARY LICENSE TO CARRY A CONCEALED PISTOL TO THE
17 APPLICANT AND SHALL REFUND TO THE APPLICANT THE PORTION OF THE
18 APPLICATION AND LICENSING FEE THAT WAS CREDITED TO THE LICENSING
19 AUTHORITY ACCOUNT WITHIN THE CONCEALED PISTOL LICENSING FUND AND
20 THE PORTION THAT WAS CREDITED TO THE ACCOUNT OF THE CLERK OF THE
21 LICENSING AUTHORITY WITHIN THE CONCEALED PISTOL LICENSING FUND TO
22 THE EXTENT THAT THERE ARE SUFFICIENT FUNDS WITHIN THOSE ACCOUNTS TO
23 PAY THAT REFUND. ANY DEFICIT IN EITHER ACCOUNT BALANCE SHALL BE
24 PAID FROM THE COUNTY GENERAL FUND. IF THE LICENSING AUTHORITY FAILS
25 TO ISSUE A LICENSE ON GROUNDS THAT IT HAS NOT RECEIVED THE
26 FINGERPRINT COMPARISON REPORT REQUIRED UNDER SUBSECTION (10), THE
27 CLERK OF THE LICENSING AUTHORITY MAY REQUIRE THE APPLICANT TO SHOW

1 HIS OR HER RECEIPT FOR HAVING THOSE PRINTS TAKEN UNDER SUBSECTION
2 (9) BEFORE PROVIDING A REFUND UNDER THIS SUBSECTION. THE DEPARTMENT
3 OF STATE POLICE SHALL PREPARE A FORM FOR OBTAINING REFUNDS UNDER
4 THIS SUBSECTION AND SHALL INCLUDE THE FORM IN CONCEALED PISTOL
5 APPLICATION KITS PROVIDED UNDER SECTION 5. A temporary license
6 issued under this section is valid ~~for~~ UNTIL THE EXPIRATION OF 180
7 days AFTER THE DATE THE TEMPORARY LICENSE IS ISSUED or until the
8 ~~concealed weapon licensing board receives the fingerprint~~
9 ~~comparison report provided under subsection (10) and LICENSING~~
10 AUTHORITY issues or denies issuance of a license to carry a
11 concealed pistol as otherwise provided under this act, WHICHEVER
12 OCCURS FIRST. A TEMPORARY LICENSE ISSUED UNDER THIS SUBSECTION
13 SHALL STATE ON ITS FACE THAT IT IS A TEMPORARY LICENSE. Upon
14 issuance or the denial of issuance of the license to carry a
15 concealed pistol to an applicant who received a temporary license
16 under this section, the applicant shall immediately surrender the
17 temporary license to the ~~concealed weapon licensing board that~~
18 ~~issued that temporary license.~~ CLERK OF THE LICENSING AUTHORITY BY
19 MAIL OR IN PERSON. THE CLERK OR THE LICENSING AUTHORITY SHALL NOT
20 CHARGE A FEE FOR ISSUING A LICENSE TO CARRY A CONCEALED PISTOL IF
21 THE TEMPORARY LICENSE WAS SURRENDERED AS REQUIRED UNDER THIS
22 SUBSECTION.

23 (15) If an individual licensed under this act to carry a
24 concealed pistol moves to a different county within this state, his
25 or her license remains valid until it expires or is otherwise
26 suspended or revoked under this act. A license to carry a concealed
27 pistol that is lost, stolen, or defaced may be replaced by the

1 issuing county clerk for a replacement fee of \$10.00.

2 (16) If a ~~concealed weapons licensing board~~ **LICENSING**
3 **AUTHORITY** suspends or revokes a license issued under this act, the
4 license is forfeited and shall be returned to the ~~concealed weapon~~
5 ~~licensing board~~ **CLERK OF THE LICENSING AUTHORITY** forthwith. An
6 individual who fails to return a license as required under this
7 subsection after he or she was notified that his or her license was
8 suspended or revoked is guilty of a misdemeanor punishable by
9 imprisonment for not more than 93 days or a fine of not more than
10 \$500.00, or both.

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

15 (18) This section does not prohibit the ~~concealed weapon~~
16 ~~licensing board~~ **LICENSING AUTHORITY** from making public and
17 distributing to the public at no cost lists of individuals who are
18 certified as qualified instructors as prescribed under section 5j.

19 (19) **AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**
20 **FROM SECTION 50 AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL**
21 **OR RENEWAL LICENSE UNDER THIS SECTION SHALL NOT BE REQUIRED TO PAY**
22 **ANY ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO**
23 **APPLIES FOR AN EXEMPTION FROM SECTION 50 AT A TIME OTHER THAN AT**
24 **THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE**
25 **UNDER THIS SECTION MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN**
26 **\$20.00 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE**
27 **EXEMPTION AND THE ISSUANCE OF A REPLACEMENT LICENSE. THE EXEMPTION**

1 SHALL APPEAR AS AN INDORSEMENT ON THE FACE OF THE LICENSE. THE FEE
2 COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE CONCEALED
3 PISTOL LICENSING FUND CREATED UNDER SECTION 5X AND DIVIDED EQUALLY
4 TO THE ACCOUNTS OF THE LICENSING AUTHORITY AND THE CLERK OF THE
5 LICENSING AUTHORITY UNLESS THE AUTHORITY TO ISSUE THE EXEMPTION WAS
6 DELEGATED TO THE CLERK.

7 (20) A COUNTY CLERK ISSUING AN INITIAL LICENSE, RENEWAL
8 LICENSE, TEMPORARY LICENSE, OR REPLACEMENT LICENSE UNDER THIS ACT
9 SHALL MAIL THE LICENSE TO THE LICENSEE BY FIRST-CLASS MAIL IN A
10 SEALED ENVELOPE. HOWEVER, A COUNTY CLERK ISSUING A REINSTATED
11 LICENSE TO AN INDIVIDUAL WHOSE LICENSE WAS SUSPENDED SHALL NOT MAIL
12 THE REINSTATED LICENSE IN THE MANNER DESCRIBED IN THIS SUBSECTION,
13 BUT SHALL PROVIDE THE REINSTATED LICENSE TO THE INDIVIDUAL IN
14 PERSON ONLY UPON THE PAYMENT OF THE FEE UNDER SECTION 8(7). THIS
15 SUBSECTION DOES NOT PROHIBIT A LICENSING AUTHORITY OR A CLERK FROM
16 ISSUING A REPLACEMENT LICENSE IN PERSON AT THE TIME OF APPLICATION
17 FOR A REPLACEMENT LICENSE OR AN EXEMPTION ENDORSEMENT, OR
18 IMMEDIATELY UPON CONCLUSION OF A CONFERENCE BETWEEN THE LICENSING
19 AUTHORITY AND THE APPLICANT DURING WHICH A LICENSE HAS BEEN
20 APPROVED OR REINSTATED.

21 (21) A LICENSING AUTHORITY OR THE CLERK OF A LICENSING
22 AUTHORITY IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE
23 ISSUANCE OF A LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER
24 COMMITS A CRIME OR A NEGLIGENT ACT.

25 (22) ~~(19)~~ As used in this section:

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

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

5 (b) "Felony" means that term as defined in section 1 of
6 chapter I of the code of criminal procedure, 1927 PA 175, MCL
7 761.1, or a violation of a law of the United States or another
8 state that is designated as a felony or that is punishable by death
9 or by imprisonment for more than 1 year.

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

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

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

23 Sec. 5c. (1) A license to carry a concealed pistol shall be in
24 a form, with the same dimensions as a Michigan operator license,
25 prescribed by the department of state police. **BEGINNING MAY 1,**
26 **2013, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**
27 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**

1 UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00
 2 MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE
 3 CLERK OF THE LICENSING AUTHORITY ALSO PROVIDES THE OPTION OF
 4 OBTAINING A PLASTIC LAMINATED PAPER LICENSE AT NO CHARGE. The
 5 license shall contain all of the following:

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

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

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

9 (d) An indication of exceptions authorized by this act
 10 applicable to the licensee, **INCLUDING WHETHER THE INDIVIDUAL IS**
 11 **EXEMPT FROM THE PROHIBITIONS SET FORTH IN SECTION 50.**

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

13 (2) Subject to section 50 and except as otherwise provided by
 14 law, a license to carry a concealed pistol issued by the ~~county~~
 15 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** authorizes the
 16 licensee to do all of the following:

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

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

21 Sec. 5d. (1) If the ~~concealed weapon licensing board~~ **LICENSING**
 22 **AUTHORITY** denies issuance of a license to carry a concealed pistol,
 23 or fails to issue that license **OR FAILS TO PROVIDE AN EXEMPTION**
 24 **FROM THE PROHIBITIONS SET FORTH IN SECTION 50** as provided in this
 25 act, the applicant may appeal the denial or the failure to issue
 26 the license **OR TO PROVIDE AN EXEMPTION** to the circuit court in the
 27 judicial circuit in which he or she resides. The appeal of the

1 denial or failure to issue a license **OR TO PROVIDE AN EXEMPTION**
2 shall be determined by a review of the record for error, except
3 that if the decision of the ~~concealed weapon licensing board~~
4 **LICENSING AUTHORITY** was based upon grounds specified in section
5 5b(7)(n) that portion of the appeal shall be by hearing de novo.
6 Witnesses in the hearing shall be sworn. A jury shall not be
7 provided in a hearing under this section.

8 (2) If the court determines that the denial or failure to
9 issue a license **OR TO PROVIDE AN EXEMPTION** was clearly erroneous **OR**
10 **WAS ARBITRARY AND CAPRICIOUS**, the court shall order the ~~concealed~~
11 ~~weapon licensing board~~ **LICENSING AUTHORITY** to issue a license **OR**
12 **GRANT AN EXEMPTION** as required by this act.

13 (3) If the court **UNDER SUBSECTION (2)** determines that the
14 ~~decision of the concealed weapon licensing board to deny issuance~~
15 ~~of~~ **DENIAL OR FAILURE TO ISSUE** a license to an applicant **OR TO**
16 **PROVIDE AN EXEMPTION** was **CLEARLY ERRONEOUS OR WAS** arbitrary and
17 capricious, the court shall order ~~this state to pay 1/3 and the~~
18 county in which the ~~concealed weapon licensing board~~ **LICENSING**
19 **AUTHORITY** is located to pay ~~2/3~~ **ALL** of the actual costs and actual
20 attorney fees of the applicant in appealing the denial. **IF THE**
21 **APPLICANT IS ENTITLED TO A REFUND OF HIS OR HER APPLICATION FEE**
22 **UNDER SECTION 5B(14) OR 5I(4), AND THE REFUND WAS NOT PAID, THE**
23 **COURT SHALL ALSO ORDER THE COUNTY TO PAY THE REFUND TO THE**
24 **APPLICANT. ALL COSTS, FEES, AND REFUNDS AWARDED TO THE APPLICANT**
25 **UNDER THIS SUBSECTION SHALL BE PAID OUT OF THE CONCEALED PISTOL**
26 **LICENSING FUND IF A SUFFICIENT BALANCE EXISTS IN THAT FUND, OR OUT**
27 **OF THE COUNTY GENERAL FUND IF A SUFFICIENT BALANCE DOES NOT EXIST**

1 IN THE CONCEALED PISTOL LICENSING FUND. THE COURT SHALL MAKE A
2 DETERMINATION AS TO THE RESPONSIBILITY OR PROPORTION OF
3 RESPONSIBILITY BETWEEN THE LICENSING AUTHORITY AND THE CLERK OF THE
4 LICENSING AUTHORITY FOR THE DENIAL OF THE LICENSE OR THE FAILURE TO
5 ISSUE THE LICENSE OR TO PROVIDE AN EXEMPTION WHEN AWARDING COSTS,
6 FEES, AND REFUNDS UNDER THIS SUBSECTION AND SHALL ORDER THE AWARD
7 TO BE PAID OUT OF THE RESPECTIVE ACCOUNTS WITHIN THE CONCEALED
8 PISTOL LICENSING FUND TO THE EXTENT THAT THERE ARE SUFFICIENT FUNDS
9 WITHIN THE ACCOUNTS TO PAY THOSE AWARDS. ANY DEFICIT IN EITHER
10 ACCOUNT BALANCE SHALL BE ORDERED TO BE PAID FROM THE COUNTY GENERAL
11 FUND.

12 ~~—— (4) If the court determines that an applicant's appeal was~~
13 ~~frivolous, the court shall order the applicant to pay the actual~~
14 ~~costs and actual attorney fees of the concealed weapon licensing~~
15 ~~board in responding to the appeal.~~

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

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

22 (b) If the individual is licensed to carry a concealed pistol
23 in this state, the license number, ~~and~~ date of expiration, **AND ANY**
24 **EXEMPTIONS ON THE LICENSE.**

25 (c) Except as provided in subsection (2), if the individual
26 was denied a license to carry a concealed pistol after ~~the~~
27 ~~effective date of the amendatory act that added this subdivision,~~

1 JULY 1, 2001 a statement of the reasons for that denial.

2 (d) A statement of all criminal charges pending and criminal
3 convictions obtained against the individual during the license
4 period.

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

8 (2) If an individual who was denied a license to carry a
9 concealed pistol after ~~the effective date of the amendatory act~~
10 ~~that added this subsection~~ JULY 1, 2001 is subsequently issued a
11 license to carry a concealed pistol, the department of state police
12 shall delete from the computerized database the previous reasons
13 for the denial.

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

17 (4) Information in the database, compiled under subsections
18 (1) through (3), is confidential, is not subject to disclosure
19 under the freedom of information act, 1976 PA 442, MCL 15.231 to
20 15.246, and shall not be disclosed to any person except for
21 purposes of this act or for law enforcement purposes. The
22 information compiled under subsection (5) is subject to disclosure
23 under the freedom of information act, 1976 PA 442, MCL 15.231 to
24 15.246.

25 (5) The department of state police shall file an annual report
26 with the secretary of the senate and the clerk of the house of
27 representatives setting forth all of the following information for

1 each ~~county concealed weapon licensing board~~. **LICENSING AUTHORITY:**

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

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

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

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

6 (e) The number of concealed pistol licenses **SUSPENDED OR**
7 revoked.

8 (f) Categories for **SUSPENSION OR** revocation under subdivision
9 (e).

10 (g) The number of applications pending at the time the report
11 is made.

12 (h) The mean and median amount of time and the longest and
13 shortest amount of time used by the federal bureau of investigation
14 to supply the fingerprint comparison report required in section
15 ~~5b(11)~~. **5B(10)**. The department may use a statistically significant
16 sample to comply with this subdivision.

17 (i) The number of charges of state civil infractions of this
18 act or charges of criminal violations, categorized by offense,
19 filed against individuals licensed to carry a concealed pistol that
20 resulted in a finding of responsibility or a criminal conviction.
21 The report shall indicate the number of crimes in each category of
22 criminal offense that involved the brandishing or use of a pistol,
23 the number that involved the carrying of a pistol by the license
24 holder during the commission of the crime, and the number in which
25 no pistol was carried by the license holder during the commission
26 of the crime. **THE REPORT SHALL ALSO INDICATE THE TOTAL NUMBER OF**
27 **INDIVIDUALS CHARGED AND THE TOTAL NUMBER OF THOSE INDIVIDUALS FOUND**

1 **RESPONSIBLE OR CONVICTED.**

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

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

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

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

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

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

15 Sec. 5f. (1) An individual who is licensed under this act to
16 carry a concealed pistol shall have his or her license to carry
17 that pistol in his or her possession at all times he or she is
18 carrying a concealed pistol or a portable device that uses electro-
19 muscular disruption technology.

20 (2) An individual who is licensed under this act to carry a
21 concealed pistol and who is carrying a concealed pistol or a
22 portable device that uses electro-muscular disruption technology
23 shall show both of the following to a peace officer upon request by
24 that peace officer:

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

26 (b) His or her driver license or Michigan personal
27 identification card.

1 (3) An individual licensed under this act to carry a concealed
2 pistol and who is carrying a concealed pistol or a portable device
3 that uses electro-muscular disruption technology and who is stopped
4 by a peace officer shall immediately disclose to the peace officer
5 that he or she is carrying a pistol or a portable device that uses
6 electro-muscular disruption technology concealed upon his or her
7 person or in his or her vehicle.

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

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

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

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

19 (6) If an individual is found responsible for a state civil
20 infraction under this section, the court shall notify the
21 department of state police and the ~~concealed weapon~~ licensing board
22 **AUTHORITY** that issued the license of that determination.

23 (7) A pistol or portable device that uses electro-muscular
24 disruption technology carried in violation of this section is
25 subject to immediate seizure by a peace officer. If a peace officer
26 seizes a pistol or portable device that uses electro-muscular
27 disruption technology under this subsection, the individual has 45

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

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

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

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

27 Sec. 5j. (1) A pistol training or safety program described in

1 section 5b(7)(c) meets the requirements for knowledge or training
2 in the safe use and handling of a pistol only if the ~~program~~
3 ~~consists~~ **TRAINING WAS PROVIDED WITHIN 5 YEARS PRECEDING THE DATE OF**
4 **APPLICATION AND CONSISTED** of not less than 8 hours of instruction
5 and all of the following conditions are met:

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

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

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

15 (iii) Pistol shooting positions.

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

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

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

23 (b) The program provides at least 3 hours of instruction on a
24 firing range and requires firing at least 30 rounds of ammunition
25 **OR, FOR CERTIFICATES ISSUED ON OR AFTER MAY 1, 2013, PROVIDES AT**
26 **LEAST 3 HOURS OF INSTRUCTION ON A FIRING RANGE AND REQUIRES FIRING**
27 **AT LEAST 98 ROUNDS OF AMMUNITION.**

(c) The program provides a certificate of completion that states the program complies with the requirements of this section and that the individual successfully completed the course, and that contains the printed name and signature of the course instructor.

~~Not later than October 1, 2004, the~~ **THE** certificate of completion shall contain the statement, "This course complies with section 5j of 1927 PA 372.". **FOR CERTIFICATES ISSUED ON OR AFTER MAY 1, 2013, EACH CERTIFICATE SHALL ALSO CONTAIN ALL OF THE FOLLOWING INFORMATION WHICH SHALL BE PRINTED ON THE FACE OF THE CERTIFICATE:**

(i) THE INSTRUCTOR'S NAME AND ADDRESS, AND TELEPHONE NUMBER IF AVAILABLE.

(ii) THE NAME AND TELEPHONE NUMBER OF THE STATE AGENCY OR A STATE OR NATIONAL FIREARMS TRAINING ORGANIZATION THAT HAS CERTIFIED THE INDIVIDUAL AS AN INSTRUCTOR FOR PURPOSES OF THIS SECTION, HIS OR HER INSTRUCTOR CERTIFICATION NUMBER, IF ANY, AND THE EXPIRATION DATE OF THAT CERTIFICATION.

(iii) THE NAME OF THE COURSE, IF APPLICABLE, THE TOTAL NUMBER IN HOURS OF INSTRUCTION RECEIVED, AND THE NUMBER OF ROUNDS FIRED.

(d) The instructor of the course is certified by this state or a **STATE OR** national **FIREARMS TRAINING** organization to teach the ~~8-~~ ~~hour~~ ~~pistol safety training course~~ **COURSES** described in this section. **THE LICENSING AUTHORITY SHALL NOT REQUIRE ANY OTHER CERTIFICATION OR THAT THE INSTRUCTOR REGISTER AS AN INSTRUCTOR WITH THE COUNTY.**

(2) A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE

1 **APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT**
 2 **THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.**

3 (3) ~~(2)~~—A person shall not do either of the following:

4 (a) Grant a certificate of completion described under
 5 subsection (1)(c) to an individual knowing the individual did not
 6 satisfactorily complete the course.

7 (b) Present a certificate of completion described under
 8 subsection (1)(c) to a ~~concealed weapon licensing board~~ **LICENSING**
 9 **AUTHORITY** knowing that the individual did not satisfactorily
 10 complete the course.

11 (4) ~~(3)~~—A person who violates subsection ~~(2)~~ **(3)** is guilty of
 12 a felony punishable by imprisonment for not more than 4 years or a
 13 fine of not more than \$2,500.00, or both.

14 (5) ~~(4)~~—A ~~concealed weapons licensing board~~ **LICENSING**
 15 **AUTHORITY** shall not require that a specific form, color, wording,
 16 or other content appear on a certificate of completion ~~, except as~~
 17 ~~provided in subsection (5), and shall accept as valid a certificate~~
 18 ~~of completion issued prior to the effective date of the amendatory~~
 19 ~~act that added this subsection that contains an inaccurate~~
 20 ~~reference or no reference to this section but otherwise complies~~
 21 ~~with this section.~~ **EXCEPT AS OTHERWISE REQUIRED UNDER THIS ACT.**

22 ~~—(5) Beginning October 1, 2004, a concealed weapons licensing~~
 23 ~~board shall require that a certificate of completion contain the~~
 24 ~~statement, "This course complies with section 5j of 1927 PA 372."~~

25 Sec. 5k. (1) Acceptance of a license issued under this act to
 26 carry a concealed pistol constitutes implied consent to submit to a
 27 chemical analysis under this section. This section also applies to

1 individuals listed in section 12a.

2 (2) An individual shall not carry a concealed pistol or
3 portable device that uses electro-muscular disruption technology
4 while he or she is under the influence of alcoholic liquor or a
5 controlled substance or while having a bodily alcohol content
6 prohibited under this section. An individual who violates this
7 section is responsible for a state civil infraction or guilty of a
8 crime as follows:

9 (a) If the person was under the influence of alcoholic liquor
10 or a controlled substance or a combination of alcoholic liquor and
11 a controlled substance, or had a bodily alcohol content of .10 or
12 more grams per 100 milliliters of blood, per 210 liters of breath,
13 or per 67 milliliters of urine, the individual is guilty of a
14 misdemeanor punishable by imprisonment for not more than 93 days or
15 \$100.00, or both. The court shall order the ~~concealed weapon~~
16 ~~licensing board that issued the individual a license to carry a~~
17 ~~concealed pistol~~ **AUTHORITY** to permanently revoke the license. The
18 ~~concealed weapon licensing board~~ **AUTHORITY** shall permanently revoke
19 the license as ordered by the court.

20 (b) If the person had a bodily alcohol content of .08 or more
21 but less than .10 grams per 100 milliliters of blood, per 210
22 liters of breath, or per 67 milliliters of urine, the individual is
23 guilty of a misdemeanor punishable by imprisonment for not more
24 than 93 days or \$100.00, or both. The court may order the ~~concealed~~
25 ~~weapon licensing board that issued the individual a license to~~
26 ~~carry a concealed pistol~~ **AUTHORITY** to ~~revoke~~ **SUSPEND** the license
27 for not more than 3 years. The ~~concealed weapon licensing board~~

1 **AUTHORITY** shall ~~revoke~~**SUSPEND** the license as ordered by the court.

2 (c) If the person had a bodily alcohol content of .02 or more
3 but less than .08 grams per 100 milliliters of blood, per 210
4 liters of breath, or per 67 milliliters of urine, the individual is
5 responsible for a state civil infraction and may be fined not more
6 than \$100.00. The court may order the ~~concealed weapon~~ licensing
7 ~~board that issued the individual the license~~ **AUTHORITY** to ~~revoke~~
8 **SUSPEND** the license for 1 year. The ~~concealed weapon~~ licensing
9 ~~board~~ **AUTHORITY** shall ~~revoke~~**SUSPEND** the license as ordered by the
10 court. The court shall notify the ~~concealed weapon~~ licensing ~~board~~
11 ~~that issued the individual a license to carry a concealed pistol~~
12 **AUTHORITY** if an individual is found responsible for a subsequent
13 violation of this subdivision.

14 (3) This section does not prohibit an individual licensed
15 under this act to carry a concealed pistol who has any bodily
16 alcohol content from doing any of the following:

17 (a) Transporting that pistol in the locked trunk of his or her
18 motor vehicle or another motor vehicle in which he or she is a
19 passenger or, if the vehicle does not have a trunk, from
20 transporting that pistol unloaded in a locked compartment or
21 container that is separated from the ammunition for that pistol.

22 (b) Transporting that pistol on a vessel if the pistol is
23 transported unloaded in a locked compartment or container that is
24 separated from the ammunition for that pistol.

25 (c) Transporting a portable device using electro-muscular
26 disruption technology in the locked trunk of his or her motor
27 vehicle or another motor vehicle in which he or she is a passenger,

1 or, if the vehicle does not have a trunk, from transporting that
2 portable device in a locked compartment or container.

3 (d) Transporting a portable device using electro-muscular
4 disruption technology on a vessel if the portable device is
5 transported in a locked compartment or container.

6 (4) A peace officer who has probable cause to believe an
7 individual is carrying a concealed pistol or a portable device
8 using electro-muscular disruption technology in violation of this
9 section may require the individual to submit to a chemical analysis
10 of his or her breath, blood, or urine.

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

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

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

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

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

24 (6) The collection and testing of breath, blood, and urine
25 specimens under this section shall be conducted in the same manner
26 that breath, blood, and urine specimens are collected and tested
27 for alcohol- and controlled-substance-related driving violations

1 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

2 (7) If a person refuses to take a chemical test authorized
3 under this section, the peace officer shall promptly report the
4 refusal in writing to the ~~concealed weapon licensing board that~~
5 ~~issued the license to the individual to carry a concealed~~
6 ~~pistol.~~**AUTHORITY.**

7 (8) If a person takes a chemical test authorized under this
8 section and the test results indicate that the individual had any
9 bodily alcohol content while carrying a concealed pistol, the peace
10 officer shall promptly report the violation in writing to the
11 ~~concealed weapon licensing board that issued the license to the~~
12 ~~individual to carry a concealed pistol.~~**AUTHORITY.**

13 (9) As used in this section:

14 (a) "Alcoholic liquor" means that term as defined in section
15 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
16 436.1105.

17 (b) "Controlled substance" means that term as defined in
18 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

19 (C) **"UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED**
20 **SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A**
21 **PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT**
22 **PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION**
23 **OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.**

24 Sec. 5l. ~~(1) A license to carry a concealed pistol issued on or~~
25 ~~after July 1, 2003 but before July 1, 2006 is valid for 5 years.~~

26 (1) ~~(2) An initial~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
27 **SUBSECTION, A license to carry a concealed pistol, issued or**

1 ~~renewed on or after July 1, 2006, other than a license described in~~
2 ~~subsection (1),~~ **INCLUDING A RENEWAL LICENSE**, is valid until the
3 applicant's date of birth that falls not less than 4 years or more
4 than 5 years after the license is issued or renewed, as applicable.
5 **THE CLERK OF THE LICENSING AUTHORITY SHALL NOTIFY THE LICENSEE THAT**
6 **HIS OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE RENEWED AS**
7 **PROVIDED IN THIS SECTION. THE NOTIFICATION SHALL BE SENT BY THE**
8 **CLERK TO THE LAST KNOWN ADDRESS OF THE LICENSEE AS SHOWN ON THE**
9 **RECORDS OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL BE SENT**
10 **IN A SEALED ENVELOPE BY FIRST-CLASS MAIL NOT LESS THAN 3 MONTHS OR**
11 **MORE THAN 6 MONTHS BEFORE THE EXPIRATION DATE OF THE CURRENT**
12 **LICENSE.** Except as provided in subsections ~~(8)~~-(7) and ~~(9)~~-(8), a
13 renewal of a license under section 5b shall, except as provided in
14 this section, be issued in the same manner as an original license
15 issued under section 5b. **AN APPLICANT IS ELIGIBLE FOR A RENEWAL OF**
16 **A LICENSE UNDER THIS SECTION IF HIS OR HER LICENSE IS NOT EXPIRED,**
17 **OR EXPIRED WITHIN A 5-YEAR PERIOD PRIOR TO THE DATE OF APPLICATION**
18 **UNDER THIS SECTION. A LICENSE HELD BY A LICENSEE SERVING IN THE**
19 **UNITED STATES MILITARY THAT EXPIRES WHILE THE LICENSEE IS ON**
20 **OFFICIAL DEPLOYMENT ORDERS OUTSIDE OF THIS STATE OR THE CONTINENTAL**
21 **UNITED STATES IS AUTOMATICALLY EXTENDED UNTIL 60 DAYS AFTER THE END**
22 **DATE OF THE DEPLOYMENT AS PROVIDED IN THE LICENSEE'S DEPLOYMENT**
23 **ORDERS. A DEPLOYED LICENSEE WHO RECEIVES AN EXTENSION UNDER THIS**
24 **SUBSECTION SHALL HAVE HIS OR HER DEPLOYMENT ORDERS IN HIS OR HER**
25 **POSSESSION WHILE CARRYING A CONCEALED PISTOL DURING THE 60-DAY**
26 **EXTENSION PERIOD. THE 60-DAY EXTENSION PROVIDED UNDER THIS**
27 **SUBSECTION DOES NOT APPLY TO A LICENSE FOR A PISTOL UNDER SECTION**

1 2.

2 (2) ~~(3)~~ Subject to subsections ~~(8)~~ (7) and ~~(9)~~, (8), an
 3 application to renew a license to carry a concealed pistol may be
 4 submitted not more than 6 months before the expiration of the
 5 current license. If the ~~concealed weapon licensing board~~ **AUTHORITY**
 6 approves the renewal, the effective date of the renewal license is
 7 the date of expiration of the current license or the date of
 8 approval of the renewal, whichever is later, and the date of
 9 expiration is the applicant's date of birth which is not less than
 10 4 years or more than 5 years from the effective date of the
 11 license.

12 (3) ~~(4)~~ The ~~concealed weapon licensing board~~ **AUTHORITY** shall
 13 issue or deny issuance of a renewal license within ~~60~~ 45 days after
 14 the **DATE OF** application for renewal ~~is properly submitted. AND, IF~~
 15 **REQUIRED FOR RENEWAL, THE SUBMISSION OF CLASSIFIABLE FINGERPRINTS**
 16 **TAKEN UNDER SECTION 5B(9).** The county clerk shall issue the
 17 applicant a receipt for his or her renewal application at the time
 18 the application is submitted. The receipt shall contain all of the
 19 following:

- 20 (a) The name of the applicant.
- 21 (b) The date and time the receipt is issued.
- 22 (c) The amount paid.
- 23 (d) A statement that the receipt is for a license renewal.
- 24 (e) A statement of whether the applicant qualifies for an
 25 extension under subsection ~~(5)~~ (4).
- 26 (f) The name of the county in which the receipt is issued.
- 27 (g) An impression of the county seal.

1 (4) ~~(5)~~ If the ~~concealed weapon licensing board~~ **AUTHORITY**
2 fails to deny or issue a renewal license to the person within ~~60~~ **45**
3 days as required under subsection ~~(4)~~, **(3)**, the expiration date of
4 the current license is extended by 180 days or until the renewal
5 license is issued, whichever occurs first, **AND THE CLERK OF THE**
6 **LICENSING AUTHORITY SHALL REFUND THE PORTION OF THE APPLICATION AND**
7 **LICENSING FEE DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND**
8 **UNDER SECTION 5B(5) TO THE APPLICANT.** ~~This subsection does not~~
9 ~~apply unless the person pays the renewal fee at the time the~~
10 ~~renewal application is submitted and the person has submitted a~~
11 ~~receipt from a police agency that confirms that a background check~~
12 ~~has been requested by the applicant.~~ **THE REFUND SHALL BE PAID FROM**
13 **THE ACCOUNT CREDITED TO THE LICENSING AUTHORITY WITHIN THE**
14 **CONCEALED PISTOL LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT**
15 **FUNDS WITHIN THAT ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN**
16 **THAT BALANCE BEING PAID FROM THE COUNTY GENERAL FUND. THE REFUND**
17 **SHALL BE PAID WITHIN 10 DAYS AFTER THE EXPIRATION OF THE 45-DAY**
18 **PERIOD DESCRIBED IN THIS SUBSECTION. IF THE CLERK FAILS TO PAY THE**
19 **REFUND OF THE PORTION OF THE APPLICATION AND LICENSING FEE**
20 **DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND UNDER SECTION**
21 **5B(5) WITHIN THE 10-DAY PERIOD, THE CLERK OF THE LICENSING**
22 **AUTHORITY SHALL INSTEAD IMMEDIATELY REFUND TO THE APPLICANT THE**
23 **PORTION OF THE APPLICATION AND LICENSING FEE THAT WAS CREDITED TO**
24 **THE LICENSING AUTHORITY AND THE PORTION THAT WAS CREDITED TO THE**
25 **CLERK OF THE LICENSING AUTHORITY WITHIN THE CONCEALED PISTOL**
26 **LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT FUNDS WITHIN EACH**
27 **ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN THAT BALANCE OF**

1 EITHER ACCOUNT BEING PAID FROM THE COUNTY GENERAL FUND. THE
2 DEPARTMENT OF STATE POLICE SHALL PREPARE A FORM FOR OBTAINING
3 REFUNDS UNDER THIS SUBSECTION AND SHALL INCLUDE THE FORM IN
4 CONCEALED PISTOL APPLICATION KITS PROVIDED UNDER SECTION 5.

5 (5) ~~(6)~~—A person carrying a concealed pistol after the
6 expiration date of his or her license ~~pursuant to~~ **UNDER** an
7 extension under subsection ~~(5)~~ **(4)** shall keep the receipt issued by
8 the county clerk under subsection ~~(4)~~ **(3)** and his or her expired
9 license in his or her possession at all times that he or she is
10 carrying the pistol. For the purposes of this act, the receipt is
11 considered to be part of the license to carry a concealed pistol
12 until a renewal license is issued or denied. Failing to have the
13 receipt and expired license in possession while carrying a
14 concealed pistol or failing to display the receipt to a peace
15 officer upon request is a violation of this act.

16 (6) ~~(7)~~—The educational requirements under section 5b(7)(c)
17 are waived for an applicant who is **AN ACTIVE PEACE OFFICER,**
18 **INCLUDING A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT, A MILITARY**
19 **POLICE OFFICER,** a retired police officer **INCLUDING A RETIRED**
20 **FEDERAL LAW ENFORCEMENT OFFICER OR AGENT, A RETIRED MILITARY POLICE**
21 **OFFICER,** or **A** retired law enforcement officer. **THE LICENSING**
22 **AUTHORITY MAY CONTACT THE APPROPRIATE AGENCY TO VERIFY THE STANDING**
23 **OF THE INDIVIDUALS DESCRIBED IN THIS SUBSECTION.**

24 (7) ~~(8)~~—The educational requirements under section 5b(7)(c)
25 for an applicant who is applying for a renewal of a license under
26 this act are waived except that the applicant shall certify that he
27 or she has completed at least 3 hours' review of the training

1 described under section 5b(7)(c) and has had at least 1 hour of
2 firing range time in the 6 months immediately preceding the
3 subsequent application. **BEGINNING MAY 1, 2013, THE APPLICANT SHALL**
4 **ALSO CERTIFY THAT IN THE 1 HOUR OR MORE OF FIRING RANGE TIME**
5 **REQUIRED BY THIS SUBSECTION, THE APPLICANT FIRED AT LEAST 98**
6 **ROUNDS. THE EDUCATIONAL AND FIRING RANGE REQUIREMENTS OF THIS**
7 **SUBSECTION ARE MET IF THE APPLICANT CERTIFIES ON THE RENEWAL**
8 **APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH THE REQUIREMENTS**
9 **OF THIS SUBSECTION. THE LICENSING AUTHORITY SHALL NOT OTHERWISE**
10 **REQUIRE VERIFICATION OF THE STATEMENTS MADE UNDER THIS SUBSECTION**
11 **AND SHALL NOT REQUIRE AN APPLICANT TO OBTAIN A CERTIFICATE OR**
12 **UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS SUBSECTION.**

13 (8) ~~(9) Beginning January 1, 2007, an~~ **AN** applicant who is
14 applying for a renewal of a license issued under section 5b is not
15 required to have fingerprints taken again under section 5b(9) if
16 all of the following conditions have been met:

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

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

25 Sec. 5m. ~~A prosecuting attorney~~ **THE DEPARTMENT OF STATE POLICE**
26 shall promptly notify the ~~county concealed weapon licensing board~~
27 **AUTHORITY OF THE COUNTY** that issued the license of a criminal

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

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

24 (a) A school or school property except that a parent or legal
 25 guardian of a student of the school is not precluded from carrying
 26 a concealed pistol while in a vehicle on school property, if he or
 27 she is dropping the student off at the school or picking up the

1 child from the school. As used in this section, "school" and
2 "school property" mean those terms as defined in section 237a of
3 the Michigan penal code, 1931 PA 328, MCL 750.237a.

4 (b) A public or private child care center or day care center,
5 public or private child caring institution, or public or private
6 child placing agency.

7 (c) A sports arena or stadium.

8 (d) A bar or tavern licensed under the Michigan liquor control
9 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
10 primary source of income of the business is the sale of alcoholic
11 liquor by the glass and consumed on the premises. This subdivision
12 does not apply to an owner or employee of the business. The
13 Michigan liquor control commission shall develop and make available
14 to holders of licenses under the Michigan liquor control code of
15 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
16 stating that "This establishment prohibits patrons from carrying
17 concealed weapons". The owner or operator of an establishment
18 licensed under the Michigan liquor control code of 1998, 1998 PA
19 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
20 sign developed under this subdivision. A record made available by
21 an establishment licensed under the Michigan liquor control code of
22 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce
23 this subdivision is exempt from disclosure under the freedom of
24 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

1 temple, or other place of worship permit the carrying of concealed
2 pistol on that property or facility.

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

8 (g) A hospital.

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

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

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

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

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

24 (a) An individual licensed under this act who is a ~~retired~~
25 ~~police officer or retired law enforcement officer.~~ **PEACE OFFICER,**
26 **INCLUDING A FEDERAL LAW ENFORCEMENT OFFICER OR AGENT, OR A MILITARY**
27 **POLICE OFFICER, IF HE OR SHE IS IN POSSESSION OF A VALID OFFICIAL**

1 IDENTIFICATION THAT IDENTIFIES HIM OR HER AS SUCH, OR A RETIRED
2 PEACE OFFICER, INCLUDING A RETIRED FEDERAL LAW ENFORCEMENT OFFICER
3 OR AGENT, OR A RETIRED MILITARY POLICE OFFICER, IF HE OR SHE
4 RETIRED IN GOOD STANDING. ~~The concealed weapon licensing board may~~
5 ~~require a letter from the law enforcement agency stating that~~
6 **AUTHORITY MAY CONTACT THE APPROPRIATE AGENCY TO VERIFY** the retired
7 ~~police officer or law enforcement officer retired in good~~
8 ~~standing.~~ **STANDING OF THE INDIVIDUALS DESCRIBED IN THIS SUBDIVISION.**

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

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

17 (d) An individual who is licensed under this act and who is a
18 corrections officer of a county sheriff's department **OR WHO IS**
19 **LICENSED UNDER THIS ACT AND IS A RETIRED CORRECTIONS OFFICER OF A**
20 **COUNTY SHERIFF'S DEPARTMENT. THE LICENSING AUTHORITY MAY CONTACT**
21 **THE SHERIFF'S DEPARTMENT TO VERIFY THAT THE RETIRED CORRECTIONS**
22 **OFFICER RETIRED IN GOOD STANDING.**

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

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

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

4 (h) An individual who is licensed under this act and who is a
5 parole, ~~or~~ probation, OR CORRECTIONS officer OR ABSCONDER RECOVERY
6 UNIT MEMBER of the department of corrections OR WHO IS LICENSED
7 UNDER THIS ACT AND IS A RETIRED PAROLE, PROBATION, OR CORRECTIONS
8 OFFICER OR ABSCONDER RECOVERY UNIT MEMBER OF THE DEPARTMENT OF
9 CORRECTIONS. THE LICENSING AUTHORITY MAY CONTACT THE DEPARTMENT OF
10 CORRECTIONS TO VERIFY THAT THE RETIRED PAROLE, PROBATION, OR
11 CORRECTIONS OFFICER OR ABSCONDER RECOVERY UNIT MEMBER RETIRED IN
12 GOOD STANDING.

13 (i) A state OR FEDERAL court judge or state OR FEDERAL court
14 retired judge who is licensed under this act. ~~The concealed weapon~~
15 ~~licensing board may require a state court retired judge to obtain~~
16 ~~and carry a letter from the judicial tenure commission stating that~~
17 ~~the state court retired judge is in good standing as authorized~~
18 ~~under section 30 of article VI of the state constitution of 1963,~~
19 ~~and rules promulgated under that section, in order to qualify under~~
20 ~~this subdivision.~~

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

23 (K) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION
24 FROM THIS SECTION BY THE LICENSING AUTHORITY. AN INDIVIDUAL IS
25 ELIGIBLE FOR AN EXEMPTION FROM THIS SECTION ONLY IF THE INDIVIDUAL
26 REQUESTS AN EXEMPTION ON HIS OR HER LICENSE APPLICATION AND 1 OR
27 MORE OF THE FOLLOWING APPLY:

1 (i) EXCEPT AS PROVIDED IN SUBSECTION (6), THE INDIVIDUAL IS A
2 LICENSEE OR IS APPLYING FOR AN INITIAL OR RENEWAL LICENSE OR AN
3 EXEMPTION UNDER THIS SUBDIVISION WHO PROVIDES A CERTIFICATE
4 INDICATING ON ITS FACE THAT THE INDIVIDUAL HAS COMPLETED NOT LESS
5 THAN 8 HOURS OF TRAINING IN ADDITION TO THE TRAINING REQUIRED UNDER
6 SECTIONS 5B(7)(C) AND 5J THAT SATISFIES ALL OF THE FOLLOWING
7 CONDITIONS:

8 (A) IT INCLUDES BOTH CLASSROOM AND RANGE TIME.

9 (B) IT INCLUDES THE FIRING OF NOT FEWER THAN AN ADDITIONAL 94
10 ROUNDS.

11 (C) IT FOCUSES ON THE TRAINING PRINCIPLES DESCRIBED IN SECTION
12 5B(7)(C) AS THEY APPLY TO PUBLIC PLACES AND PREMISES LISTED IN
13 SUBSECTION (1) AS LIMITED UNDER SUBSECTION (4).

14 (D) IT IS PROVIDED BY AN AGENCY OF THIS STATE OR BY A NATIONAL
15 OR STATE FIREARMS TRAINING ORGANIZATION.

16 (E) THE TRAINING INSTRUCTOR IS CERTIFIED AS A FIREARMS
17 INSTRUCTOR BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS
18 TRAINING ORGANIZATION AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE
19 TRAINING UNDER SECTION 5B(7)(C).

20 (F) THE TRAINING IS COMPLETED NOT MORE THAN 5 YEARS
21 IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR AN ORIGINAL OR
22 RENEWAL LICENSE OR AN EXEMPTION UNDER THIS SUBDIVISION.

23 (ii) THE INDIVIDUAL IS CERTIFIED AS A FIREARMS INSTRUCTOR BY
24 THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING
25 ORGANIZATION, AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE TRAINING
26 UNDER SECTION 5B(7)(C). IT IS PRIMA FACIE EVIDENCE THAT THE
27 INDIVIDUAL IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SUBPARAGRAPH IF

1 THE INDIVIDUAL POSSESSES A CERTIFICATE AS A FIREARMS INSTRUCTOR
2 ISSUED BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING
3 ORGANIZATION THAT MEETS THE REQUIREMENTS OF SECTION 5J.

4 (6) IF AN INDIVIDUAL WAS GRANTED AN EXEMPTION FROM THIS
5 SECTION AND THE INDIVIDUAL IS APPLYING FOR A RENEWAL LICENSE WITH
6 AN EXCEPTION, THE EDUCATIONAL REQUIREMENTS UNDER SUBSECTION
7 (5) (K) (i) ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT HE
8 OR SHE HAS COMPLETED AT LEAST 3 HOURS OF REVIEW OF THE TRAINING
9 REQUIRED UNDER SUBSECTION (5) (K) (i). FOR AN INDIVIDUAL WHO IS A
10 FIREARMS INSTRUCTOR ELIGIBLE TO PROVIDE TRAINING UNDER SECTION
11 5B(7) (C), THE EDUCATIONAL REQUIREMENTS UNDER SUBSECTION (5) (K) (i)
12 ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT HE OR SHE
13 HAS COMPLETED AT LEAST 3 HOURS OF REVIEW OF THE TRAINING REQUIRED
14 TO BECOME A FIREARMS INSTRUCTOR UNDER SECTION 5B(7) (C). THE
15 EDUCATIONAL REQUIREMENTS OF THIS SUBSECTION ARE MET IF THE
16 APPLICANT CERTIFIES ON THE RENEWAL APPLICATION FORM THAT HE OR SHE
17 HAS COMPLIED WITH THE REQUIREMENTS OF THIS SUBSECTION. THE
18 LICENSING AUTHORITY SHALL NOT OTHERWISE REQUIRE VERIFICATION OF THE
19 STATEMENTS MADE UNDER THIS SUBSECTION AND SHALL NOT REQUIRE AN
20 APPLICANT TO OBTAIN A CERTIFICATE OR UNDERGO TRAINING OTHER THAN AS
21 REQUIRED BY THIS SUBSECTION.

22 (7) THE LICENSING AUTHORITY MAY DELEGATE THE RESPONSIBILITY
23 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SUBSECTION
24 (5) (K) TO THE CLERK OF THE LICENSING AUTHORITY FOR CURRENT
25 LICENSEES ONLY.

26 (8) THE LICENSING AUTHORITY OR THE CLERK UNDER SUBSECTION (7),
27 AS APPLICABLE, SHALL WITHIN 10 DAYS AFTER RECEIVING AN APPLICATION

1 FOR AN EXEMPTION, EITHER ISSUE OR DENY ISSUANCE OF THE EXEMPTION
2 AND SEND BY FIRST-CLASS MAIL IN A SEALED ENVELOPE A REPLACEMENT
3 LICENSE TO THE APPLICANT WITH THE EXEMPTION INDORSEMENT OR, IF THE
4 EXEMPTION IS DENIED, A NOTICE OF DENIAL. IF THE EXEMPTION IS
5 DENIED, THE NOTICE OF DENIAL SHALL SPECIFICALLY STATE THE STATUTORY
6 AUTHORITY FOR THE DENIAL. NOTHING IN THIS SUBSECTION PROHIBITS THE
7 LICENSING AUTHORITY OR THE CLERK, AS APPLICABLE, FROM MAKING A
8 DETERMINATION REGARDING THE EXEMPTION AT THE TIME THE APPLICATION
9 IS SUBMITTED AND IMMEDIATELY EITHER ISSUING A REPLACEMENT LICENSE
10 TO THE APPLICANT THAT CONTAINS THE EXEMPTION INDORSEMENT OR DENYING
11 THE EXEMPTION AND IMMEDIATELY PROVIDING THE WRITTEN NOTICE OF THE
12 DENIAL, INCLUDING THE STATEMENT OF THE STATUTORY AUTHORITY FOR THE
13 DENIAL, TO THE APPLICANT.

14 (9) IF THE LICENSING AUTHORITY DELEGATES THE RESPONSIBILITY
15 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SECTION 50 TO
16 THE CLERK OF THE LICENSING AUTHORITY, THE ENTIRE FEE PAID FOR THE
17 EXEMPTION AND THE REPLACEMENT LICENSE SHALL BE DEPOSITED IN THE
18 CONCEALED PISTOL LICENSING FUND AND CREDITED TO THE ACCOUNT
19 ESTABLISHED FOR THE CLERK OF THE LICENSING AUTHORITY.

20 (10) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A
21 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION
22 UNDER SECTION 50, THE APPLICANT SHALL SURRENDER HIS OR HER LICENSE
23 TO THE LICENSING AUTHORITY BY MAIL OR IN PERSON IMMEDIATELY UPON
24 RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE EXEMPTION
25 INDORSEMENT.

26 (11) NOTHING IN THIS SECTION PROHIBITS A PRIVATE PROPERTY
27 OWNER FROM PROHIBITING AN INDIVIDUAL FROM CARRYING A PISTOL,

1 INCLUDING A PISTOL THAT IS OPENLY DISPLAYED OR CARRIED IN VIOLATION
2 OF SUBSECTION (13), ON THE PREMISES OF PROPERTY DESCRIBED IN
3 SUBSECTION (1), AND ENFORCING THAT PROHIBITION UNDER SECTION 552 OF
4 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.552.

5 (12) NOTHING IN THIS SECTION PROHIBITS A COLLEGE OR UNIVERSITY
6 THAT HAS THE AUTONOMOUS AUTHORITY UNDER THE STATE CONSTITUTION OF
7 1963 TO ENACT AND ENFORCE AN ORDINANCE REGULATING THE POSSESSION,
8 CARRYING, USE, OR TRANSPORTATION OF A PISTOL FROM ENACTING OR
9 ENFORCING SUCH AN ORDINANCE.

10 (13) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
11 CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION
12 12A(1)(H), SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL
13 ON THE PREMISES LISTED IN SUBSECTION (1)(A) TO (H) UNLESS THE
14 INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS
15 EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL
16 OVER THE PREMISES DESCRIBED IN SUBSECTION (1), IF THE POSSESSION OF
17 THE FIREARM IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS
18 OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES, OR THE
19 INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER
20 OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES. THIS
21 SUBSECTION APPLIES BEGINNING MAY 1, 2013.

22 (14) ~~(6)~~ An individual who violates this section is
23 responsible for a state civil infraction or guilty of a crime as
24 follows:

25 (a) Except as provided in subdivisions (b) and (c), the
26 individual is responsible for a state civil infraction and may be
27 fined not more than \$500.00. The court shall order the individual's

1 license to carry a concealed pistol suspended for 6 months.

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

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

11 SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL
12 LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED UNDER THIS ACT.
13 THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE CONCEALED
14 PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND INTEREST AND
15 EARNINGS FROM FUND INVESTMENTS.

16 (2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING
17 FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND
18 ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN
19 APPROPRIATION BY THE COUNTY BOARD OF COMMISSIONERS UNLESS OTHERWISE
20 PROVIDED IN THIS ACT. HOWEVER, REFUNDS UNDER THIS ACT ARE NOT
21 SUBJECT TO APPROPRIATION BY THE COUNTY BOARD OF COMMISSIONERS AND
22 SHALL BE PAID REGARDLESS OF AN APPROPRIATION BY THE COUNTY BOARD OF
23 COMMISSIONERS. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL
24 LICENSING FUND SHALL BE USED BY THE COUNTY CLERK AS CLERK OF THE
25 LICENSING AUTHORITY AND BY THE LICENSING AUTHORITY FROM EACH OF
26 THEIR RESPECTIVE ACCOUNTS WITHIN THE FUND ONLY FOR THE COST OF
27 ADMINISTERING THIS ACT. ALLOWABLE EXPENDITURES INCLUDE, BUT ARE NOT

1 LIMITED TO, PAYING REFUNDS REQUIRED UNDER THIS ACT AND FOR ANY OF
2 THE FOLLOWING COSTS OF THE LICENSING AUTHORITY OR OF THE COUNTY
3 CLERK OR CLERK OF THE LICENSING AUTHORITY:

4 (A) STAFFING REQUIREMENTS.

5 (B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE
6 FINGERPRINTS BY ELECTRONIC MEANS.

7 (C) OFFICE SUPPLIES.

8 (D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM
9 UPGRADES.

10 Sec. 8. (1) ~~The concealed weapon licensing board that issued a~~
11 ~~license to an individual to carry a concealed pistol~~ **LICENSING**
12 **AUTHORITY** may **SUSPEND OR** revoke ~~that~~ **A** license **AS PERMITTED UNDER**
13 **THIS ACT** if the ~~board~~ **LICENSING AUTHORITY** determines that the
14 individual committed any violation of this act other than a
15 violation of section 5f(4). If the ~~board~~ **LICENSING AUTHORITY**
16 determines that the individual has been found responsible for 3 or
17 more state civil infraction violations of this act during the
18 license period, the ~~board~~ **LICENSING AUTHORITY** shall conduct a
19 hearing and may suspend the individual's license for not more than
20 1 year.

21 (2) Except as provided in subsections (3), (4), and (5), a
22 license shall not be **SUSPENDED OR** revoked under this section except
23 upon written complaint and an opportunity for a hearing ~~before~~
24 **BETWEEN THE LICENSEE AND** the ~~board~~ **LICENSING AUTHORITY**. The ~~board~~
25 **LICENSING AUTHORITY** shall give the individual at least 10 days'
26 notice of a hearing under this section. The notice shall be by
27 personal service **BY THE LICENSING AUTHORITY** or by ~~certified~~ **FIRST-**

1 ~~CLASS~~ mail delivered ~~IN A SEALED ENVELOPE SENT BY THE CLERK OF THE~~
2 ~~LICENSING AUTHORITY~~ to the individual's last known address.

3 (3) If the ~~concealed weapon licensing board~~ ~~LICENSING~~
4 ~~AUTHORITY~~ is notified by a law enforcement agency or prosecuting
5 official that an individual licensed to carry a concealed pistol is
6 charged with a felony or misdemeanor as defined in this act, the
7 ~~concealed weapon licensing board~~ ~~LICENSING AUTHORITY~~ shall
8 immediately suspend the individual's license until there is a final
9 disposition of the charge for that offense and ~~THE CLERK OF THE~~
10 ~~LICENSING AUTHORITY SHALL~~ send notice ~~BY FIRST-CLASS MAIL IN A~~
11 ~~SEALED ENVELOPE~~ of that suspension to the individual's last known
12 address as indicated in the records of the ~~concealed weapon~~
13 ~~licensing board~~. ~~LICENSING AUTHORITY~~. The notice shall inform the
14 individual that he or she is entitled to a prompt hearing on the
15 suspension, and the ~~concealed weapon licensing board~~ ~~LICENSING~~
16 ~~AUTHORITY~~ shall conduct a prompt hearing ~~BETWEEN THE LICENSEE AND~~
17 ~~THE LICENSING AUTHORITY~~ if requested in writing by the individual.
18 ~~The~~ ~~EXCEPT AS PROVIDED IN SUBSECTION (6), THE~~ requirements of
19 subsection (2) do not apply to this subsection.

20 (4) The ~~concealed weapon licensing board~~ that issued a license
21 ~~to an individual to carry a concealed pistol~~ ~~LICENSING AUTHORITY~~
22 shall revoke that license if the ~~board~~ ~~LICENSING AUTHORITY~~
23 determines that the individual is not eligible under this act to
24 receive a license to carry a concealed pistol. The ~~concealed weapon~~
25 ~~licensing board~~ ~~CLERK OF THE LICENSING AUTHORITY~~ shall immediately
26 send notice of the fact of and the reason for the revocation under
27 this subsection ~~by first class mail~~ ~~IN A SEALED ENVELOPE~~ to the

1 individual's last known address as indicated on the records of the
2 ~~concealed weapon licensing board. The~~ **LICENSING AUTHORITY. EXCEPT**
3 **AS PROVIDED IN SUBSECTION (6), THE** requirements of subsection (2)
4 do not apply to this subsection.

5 (5) If the ~~concealed weapon licensing board~~ **LICENSING**
6 **AUTHORITY** determines by clear and convincing evidence based on
7 specific articulable facts that the applicant poses a danger to the
8 applicant or to any other person, the ~~concealed weapon licensing~~
9 ~~board~~ **LICENSING AUTHORITY** shall immediately suspend the
10 individual's license pending a **SUSPENSION OR** revocation hearing
11 under this section. The ~~concealed weapon licensing board~~ **CLERK OF**
12 **THE LICENSING AUTHORITY** shall send notice of the suspension to the
13 individual's last known address as indicated in the records of the
14 ~~concealed weapon licensing board.~~ **LICENSING AUTHORITY.** The notice
15 shall inform the individual that he or she is entitled to a prompt
16 hearing on the suspension, and the ~~concealed weapon licensing board~~
17 **LICENSING AUTHORITY** shall conduct a prompt hearing if requested in
18 writing by the individual. ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION**
19 **(6), THE** requirements of subsection (2) do not apply to this
20 subsection.

21 (6) **A HEARING UNDER THIS SECTION SHALL BE CLOSED TO THE PUBLIC**
22 **UPON THE REQUEST OF THE INDIVIDUAL. THE INDIVIDUAL IS ENTITLED TO**
23 **BE REPRESENTED BY LEGAL COUNSEL DURING THE HEARING AND TO PRESENT**
24 **RELEVANT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES, IN HIS OR**
25 **HER BEHALF. IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE**
26 **SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS,**
27 **AS APPLICABLE, OR UNTIL A SPECIFIC DATE. THE LICENSEE SHALL**

1 PROMPTLY SURRENDER HIS OR HER LICENSE TO THE CLERK OF THE LICENSING
2 AUTHORITY AFTER BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN
3 REVOKED OR SUSPENDED.

4 (7) IF A LICENSING AUTHORITY ORDERED A LICENSE SUSPENDED UNDER
5 THIS SECTION AND THAT LICENSE WAS SURRENDERED BY THE LICENSEE, THE
6 LICENSING AUTHORITY SHALL, UPON THE EXPIRATION OF THE SUSPENSION
7 PERIOD, AUTOMATICALLY REINSTATE THE LICENSE IF THE LICENSE WAS
8 SUSPENDED AS REQUIRED UNDER SUBSECTION (5), IS NOT EXPIRED, AND THE
9 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE UNDER THIS
10 ACT TO CARRY A CONCEALED PISTOL. THE CLERK OF THE LICENSING
11 AUTHORITY SHALL NOTIFY THE INDIVIDUAL BY FIRST-CLASS MAIL IN A
12 SEALED ENVELOPE SENT TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS
13 SHOWN BY THE RECORDS OF THE LICENSING AUTHORITY THAT HIS OR HER
14 LICENSE HAS BEEN REINSTATED. THE NOTICE SHALL BE SENT WITHIN 7 DAYS
15 AFTER THE LICENSE IS REINSTATED BY THE LICENSING AUTHORITY. A
16 LICENSING AUTHORITY MAY CHARGE A FEE OF NOT MORE THAN \$20.00 FOR
17 THE REINSTATEMENT OF A REVOKED OR SUSPENDED LICENSE. THE CLERK
18 SHALL COLLECT ANY REINSTATEMENT FEE PAID UNDER THIS SUBSECTION FOR
19 DEPOSIT IN THE CONCEALED PISTOL LICENSING FUND, DIVIDED EQUALLY
20 BETWEEN THE ACCOUNT OF THE LICENSING AUTHORITY AND THE CLERK.

21 (8) ~~(6) If the concealed weapon licensing board~~ LICENSING
22 AUTHORITY orders a license suspended, ~~or~~ revoked, OR REINSTATED
23 under this section or amends a suspension, ~~or~~ revocation, OR
24 REINSTATEMENT order, the ~~concealed weapon licensing board~~ LICENSING
25 AUTHORITY shall immediately notify a law enforcement agency having
26 jurisdiction in the county in which the ~~concealed weapon licensing~~
27 ~~board~~ LICENSING AUTHORITY is located to enter the order or amended

1 order into the law enforcement information network. A law
2 enforcement agency that receives notice of an order or amended
3 order under this subsection from a ~~concealed weapon licensing board~~
4 **LICENSING AUTHORITY** shall immediately enter the order or amended
5 order into the law enforcement information network as requested by
6 that ~~concealed weapon licensing board~~. **LICENSING AUTHORITY**.

7 (9) ~~(7)~~—A suspension or revocation order or amended order
8 issued under this section is immediately effective. However, an
9 individual is not criminally liable for violating the order or
10 amended order unless he or she has received notice of the order or
11 amended order.

12 (10) ~~(8)~~—If an individual is carrying a pistol in violation of
13 a suspension or revocation order or amended order issued under this
14 section but has not previously received notice of the order or
15 amended order, the individual shall be informed of the order or
16 amended order and be given an opportunity to properly store the
17 pistol or otherwise comply with the order or amended order before
18 an arrest is made for carrying the pistol in violation of this act.

19 (11) ~~(9)~~—If a law enforcement agency or officer notifies an
20 individual of a suspension or revocation order or amended order
21 issued under this section who has not previously received notice of
22 the order or amended order, the law enforcement agency or officer
23 shall enter a statement into the law enforcement information
24 network that the individual has received notice of the order or
25 amended order under this section.

26 (12) ~~(10)~~—The clerk of the ~~concealed weapon licensing board~~
27 **LICENSING AUTHORITY** is authorized to administer an oath to any

1 individual testifying before the ~~board~~**LICENSING AUTHORITY** at a
2 hearing under this section.

3 Enacting section 1. Section 6a of 1927 PA 372, MCL 28.426a, is
4 repealed.