

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.

7 **(J)** ~~(i)~~—"Seller" means a person who sells or gives a pistol to
 8 another person.

9 **(K)** ~~(j)~~—"State court judge" means a judge of the district
 10 court, circuit court, probate court, or court of appeals or justice
 11 of the supreme court of this state who is serving either by
 12 election or appointment.

13 **(I)** ~~(k)~~—"State court retired judge" means a judge or justice
 14 described in subdivision ~~(j)~~ **(K)** who is retired, or a retired judge
 15 of the recorders court.

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

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

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

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

26 (3) A person who satisfies all of the conditions listed under
 27 subsection (2) nevertheless may elect to have the firearm not be

1 considered to be a pistol. A person who makes the election under
2 this subsection shall notify the department of state police of the
3 election in a manner prescribed by that department.

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

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

1 this subsection, the court shall notify the department of state
2 police. If the purchaser is licensed under section 5b, the court
3 shall notify the ~~concealed weapon licensing board that issued the~~
4 ~~license~~ **LICENSING AUTHORITY** of that determination.

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

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

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

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

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

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

16 Sec. 4. (1) A person who is prohibited from possessing, using,
17 transporting, selling, purchasing, carrying, shipping, receiving,
18 or distributing a firearm under section 224f(2) of the Michigan
19 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~
20 ~~750.224f of the Michigan Compiled Laws, 1931 PA 328, MCL 750.224F,~~
21 may apply to the ~~concealed weapons licensing board~~ **LICENSING**
22 **AUTHORITY** in the county in which he or she resides for restoration
23 of those rights.

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

1 application.

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

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

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

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

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

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

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

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

26 Sec. 5. (1) County sheriffs, local police agencies, and county
27 clerks shall provide concealed pistol application kits during

1 normal business hours and free of charge to individuals who wish to
2 apply for licenses to carry concealed pistols. Each kit shall only
3 contain all of the following:

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

6 (b) The fingerprint cards ~~required~~ under section
7 ~~5b(11)~~. **5B(10), IF REQUIRED.**

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

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

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

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

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

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

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

4 (a) The county prosecuting attorney or his or her designee.
5 However, if the county prosecuting attorney decides that he or she
6 does not want to be a member of the concealed weapon licensing
7 board, he or she shall notify the county board of commissioners in
8 writing that he or she does not want to be a member of the
9 concealed weapon licensing board for the balance of his or her term
10 in office. The county board of commissioners shall then appoint a
11 replacement for the prosecuting attorney who is a firearms
12 instructor who has the qualifications prescribed in section
13 5j(1)(c). The person who replaces the prosecuting attorney shall
14 serve on the concealed weapon licensing board in place of the
15 prosecuting attorney for the remaining term of the county
16 prosecuting attorney unless removed for cause by the county board
17 of commissioners. If a vacancy occurs on the concealed weapon
18 licensing board of the person appointed pursuant to this section
19 during the term of office of the county prosecuting attorney, the
20 county board of commissioners shall appoint a replacement person
21 who is a firearms instructor who has the qualifications prescribed
22 in section 5j(1)(c).

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

24 (c) The director of the department of state police or his or
25 her designee.

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

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

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

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

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

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

24 (5) Except as otherwise provided in this act, the ~~concealed~~
25 ~~weapon licensing board~~. **LICENSING AUTHORITY** has exclusive authority
26 to issue, deny, revoke, or suspend a license to carry a concealed
27 pistol. The ~~concealed weapon licensing board~~. **LICENSING AUTHORITY**

1 shall perform other duties as provided by law.

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

9 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
10 may investigate the applicant for a license to carry a concealed
11 pistol. The investigation shall be restricted to determining only
12 whether the applicant is eligible under this act to receive a
13 license to carry a concealed pistol, and the investigation
14 regarding the issuance of a license shall end after that
15 determination is made. The ~~concealed weapon licensing board~~
16 **LICENSING AUTHORITY** may require the applicant to appear before the
17 ~~board at a mutually agreed upon time for a conference~~ **LICENSING**
18 **AUTHORITY FOR A CONFERENCE ONLY IF THE LICENSING AUTHORITY HAS**
19 **REASON TO BELIEVE THAT THE APPLICANT MAY NOT BE QUALIFIED UNDER**
20 **THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. THE**
21 **CLERK OF THE LICENSING AUTHORITY SHALL SEND THE NOTIFICATION TO**
22 **APPEAR AT A CONFERENCE IN A SEALED ENVELOPE DELIVERED BY FIRST-**
23 **CLASS MAIL SENT TO THE APPLICANT'S ADDRESS AS SHOWN BY THE RECORDS**
24 **OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL INCLUDE A**
25 **SPECIFIC STATUTORY CITATION FOR EACH DISQUALIFICATION TO BE**
26 **ADDRESSED. THE CONFERENCE SHALL BE HELD AT A DATE AND TIME THAT IS**
27 **MUTUALLY AGREEABLE TO BOTH THE LICENSING AUTHORITY AND THE**

1 **APPLICANT**. The applicant's failure or refusal to appear without
2 valid reason before the ~~concealed weapon licensing board~~ **LICENSING**
3 **AUTHORITY** as provided in this subsection is grounds for the ~~board~~
4 **LICENSING AUTHORITY** to deny issuance of a license to carry a
5 concealed pistol to that applicant.

6 (8) If the ~~concealed weapon licensing board~~ **LICENSING**
7 **AUTHORITY** determines there is probable cause to believe the safety
8 of the applicant or the safety of a member of the applicant's
9 family is endangered by the applicant's inability to immediately
10 obtain a license to carry a concealed pistol, the ~~concealed weapon~~
11 ~~licensing board~~ **LICENSING AUTHORITY** may, pending issuance of a
12 license, issue a temporary license to the individual to carry a
13 concealed pistol. A temporary license shall be on a form provided
14 by the department of state police. A temporary license shall be
15 unrestricted and shall be valid for not more than 180 days. A
16 temporary license may be renewed for 1 additional period of not
17 more than 180 days. A temporary license is, for all other purposes
18 of this act, a license to carry a concealed pistol.

19 (9) The legislative service bureau shall compile the firearms
20 laws of this state, including laws that apply to carrying a
21 concealed pistol, and shall provide copies of the compilation **IN AN**
22 **ELECTRONIC FORMAT** to ~~each concealed weapon licensing board in this~~
23 ~~state for distribution under this subsection. A concealed weapon~~
24 ~~licensing board~~ **THE DEPARTMENT OF THE STATE POLICE. THE DEPARTMENT**
25 **OF STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED LAWS TO EACH**
26 **LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY IN**
27 **THIS STATE TOGETHER WITH INFORMATION REGARDING THE RIGHTS AND**

1 RESPONSIBILITIES OF APPLICANTS, LICENSE HOLDERS, AND LICENSING
2 AUTHORITIES UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL
3 ALSO PROVIDE FORMS TO APPEAL ANY DENIAL, SUSPENSION, OR REVOCATION
4 OF A LICENSE UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL
5 DISTRIBUTE COPIES OF THE COMPILATION, INFORMATION, AND FORMS
6 REQUIRED UNDER THIS SUBSECTION IN ELECTRONIC FORMAT TO EACH
7 LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY. THE
8 CLERK OF A LICENSING AUTHORITY shall distribute a copy of the
9 compilation, INFORMATION, AND FORMS to each individual who applies
10 for a license to carry a concealed pistol at the time the
11 application is submitted. The ~~concealed weapon licensing board~~
12 CLERK OF A LICENSING AUTHORITY shall require the applicant to sign
13 a written statement acknowledging that he or she has received a
14 copy of the compilation, INFORMATION, AND FORMS PROVIDED UNDER THIS
15 SUBSECTION. An individual is not eligible to receive a license to
16 carry a concealed pistol until he or she has signed the statement.

17 (10) EFFECTIVE 12 MIDNIGHT APRIL 30, 2013, THE COUNTY
18 CONCEALED WEAPON LICENSING BOARDS ARE ELIMINATED AND THE DUTIES,
19 FUNCTIONS, AND RESPONSIBILITIES OF THOSE BOARDS ARE TRANSFERRED TO
20 THE COUNTY SHERIFFS AS PROVIDED IN THIS ACT. EACH COUNTY CONCEALED
21 WEAPON LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND
22 OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE CLERK OF THE LICENSING
23 AUTHORITY OF THE COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN
24 12 MIDNIGHT APRIL 30, 2013. ALL PENDING APPLICATIONS REMAIN IN
25 PLACE, AND THE SHERIFF FOR THAT COUNTY SHALL PROCESS THOSE
26 APPLICATIONS AS PROVIDED IN THIS ACT AS LICENSING AUTHORITY FOR
27 THAT COUNTY. THE SHERIFF SHALL NOT CHARGE ANY ADDITIONAL FEE FOR

1 RECEIVING OR PROCESSING AN APPLICATION PREVIOUSLY SUBMITTED TO THE
2 COUNTY CONCEALED WEAPON LICENSING BOARD, EXCEPT AS OTHERWISE
3 PROVIDED IN THIS ACT. A LICENSE TO CARRY A CONCEALED PISTOL ISSUED
4 BY A CONCEALED WEAPON LICENSING BOARD BEFORE 12 MIDNIGHT APRIL 30,
5 2013 IS VALID AND REMAINS IN EFFECT UNTIL THE EXPIRATION OF THAT
6 LICENSE OR AS OTHERWISE PROVIDED BY LAW.

7 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
8 an individual shall apply to the ~~concealed weapon licensing board~~
9 **LICENSING AUTHORITY** in the county in which that individual resides.
10 The application shall be filed with the county clerk during the
11 county clerk's normal business hours. The application shall be on a
12 form provided by the director of the department of state police and
13 shall allow the applicant to designate whether the applicant seeks
14 a temporary license **AND WHETHER HE OR SHE SEEKS AN EXEMPTION FROM**
15 **THE PROHIBITION AGAINST CARRYING A CONCEALED PISTOL ON THE PREMISES**
16 **DESCRIBED IN SECTION 5o.** The application shall be signed under oath
17 by the applicant. The oath shall be administered by the county
18 clerk or his or her representative. The application shall contain
19 all of the following: ~~information:~~

20 (a) The applicant's legal name and date of birth and the
21 address of his or her primary residence. If the applicant resides
22 in a city, village, or township that has a police department, the
23 name of the police department. Information received under this
24 subdivision is confidential, is not subject to disclosure under the
25 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and
26 shall not be disclosed to any person except for purposes of this
27 act or for law enforcement purposes.

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

3 (c) A statement by the applicant authorizing the ~~concealed~~
4 ~~weapon licensing board~~ **LICENSING AUTHORITY** to access any record,
5 including any medical record, pertaining to the applicant's
6 qualifications for a license to carry a concealed pistol under this
7 act. The applicant may request that information received by the
8 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** under this
9 subdivision be reviewed in a closed session. If the applicant
10 requests that the session be closed, the ~~concealed weapon licensing~~
11 ~~board~~ **LICENSING AUTHORITY** shall close the session only for purposes
12 of this subdivision. The applicant and his or her representative
13 have the right to be present in the closed session. Medical records
14 and personal identifying information received by the ~~concealed~~
15 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this subdivision
16 is confidential, is not subject to disclosure under the freedom of
17 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
18 be disclosed to any person except for purposes of this act or for
19 law enforcement purposes or if the applicant is convicted of a
20 felony involving a pistol.

21 (d) A statement by the applicant regarding whether he or she
22 has a history of mental illness that would disqualify him or her
23 under subsection (7)(j) to (l) from receiving a license to carry a
24 concealed pistol, and authorizing the ~~concealed weapon licensing~~
25 ~~board~~ **LICENSING AUTHORITY** to access the mental health records of
26 the applicant relating to his or her mental health history. The
27 applicant may request that information received by the ~~concealed~~

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

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

16 (i) Any felony.

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

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

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

24 (h) The names, residential addresses, and telephone numbers of
 25 2 individuals who are references for the applicant. **REFERENCES**
 26 **UNDER THIS SUBDIVISION SHALL NOT BE RELATED TO THE APPLICANT OR BE**
 27 **MEMBERS OF THE SAME HOUSEHOLD AS THE APPLICANT.** Information

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

5 (i) A passport-quality photograph of the applicant provided by
6 the applicant ~~at the time of application.~~ **OR, IF THE APPLICANT DOES**
7 **NOT PROVIDE HIS OR HER OWN PASSPORT-QUALITY PHOTOGRAPH, A**
8 **PHOTOGRAPH OF THE APPLICANT TAKEN BY THE CLERK OF THE LICENSING**
9 **AUTHORITY AT NO CHARGE OR FOR A REASONABLE FEE. NEITHER THE CLERK**
10 **NOR THE LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO HAVE HIS**
11 **OR HER PHOTOGRAPH TAKEN BY THE CLERK OR BY ANY OTHER SPECIFIC**
12 **OFFICE OR VENDOR IF THE APPLICANT PROVIDES HIS OR HER OWN**
13 **PHOTOGRAPH THAT COMPLIES WITH THE REQUIREMENT OF THIS SUBDIVISION.**

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

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

19 (I) A PROPERLY COMPLETED REFUND AUTHORIZATION FORM SIGNED BY
20 THE APPLICANT THAT WILL ALLOW THE CLERK OF THE LICENSING AUTHORITY
21 TO ISSUE ANY REFUND TO THE APPLICANT AS REQUIRED UNDER THIS ACT
22 WITHOUT ADDITIONAL AUTHORIZATION AND WITHOUT REQUIRING THE
23 APPLICANT TO RETURN TO THE LICENSING AUTHORITY OR ANY OTHER ENTITY
24 TO RECEIVE THE REFUND.

25 (2) NEITHER THE LICENSING AUTHORITY NOR THE CLERK OF THE
26 LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT ANY
27 ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE OF

1 ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL
2 EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR
3 IN THIS ACT. THIS DOES NOT PROHIBIT THE LICENSEE FROM VOLUNTARILY
4 SUBMITTING ADDITIONAL DOCUMENTATION IF HE OR SHE CHOOSES TO DO SO
5 AT HIS OR HER OWN INITIATIVE AND DOES NOT PROHIBIT THE LICENSING
6 AUTHORITY FROM REQUIRING AN APPLICANT IN WRITING TO PROVIDE
7 ADDITIONAL DOCUMENTATION THAT IS NECESSARY TO ADDRESS A SPECIFIC
8 DISQUALIFICATION SET FORTH IN THIS ACT AND IDENTIFIED IN A WRITTEN
9 NOTICE SENT TO THE APPLICANT UNDER SECTION 5(7). The application
10 form shall contain a conspicuous warning that the application is
11 executed under oath and that intentionally making a material false
12 statement on the application is a felony punishable by imprisonment
13 for not more than 4 years or a fine of not more than \$2,500.00, or
14 both.

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

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

24 (5) Each applicant shall pay a ~~nonrefundable~~ **AN APPLICATION**
25 **AND LICENSING** fee of \$105.00 by any method of payment accepted by
26 that county for payments of other fees and penalties. **THE FEE SHALL**
27 **COVER ALL COSTS IN THE APPLICATION AND LICENSING PROCESS THROUGH**

1 **AND INCLUDING THE DENIAL OR ISSUANCE OF A LICENSE.** Except for a
 2 local police agency as provided in subsection (9), ~~a unit of local~~
 3 ~~government, an agency of a unit of local government, or an agency~~
 4 ~~or department of this state shall not charge an additional fee,~~
 5 ~~assessment, or other amount in connection with a license under this~~
 6 ~~section~~ **NO OTHER CHARGE, FEE, COST, OR ASSESSMENT, INCLUDING ANY**
 7 **LOCAL CHARGE, FEE, COST, OR ASSESSMENT, SHALL BE REQUIRED OF THE**
 8 **APPLICANT EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS ACT.** The
 9 **APPLICATION AND LICENSING** fee shall be payable to the county. The
 10 county treasurer shall deposit \$41.00 of each **APPLICATION AND**
 11 **LICENSING** fee collected under this section in the ~~general fund of~~
 12 ~~the county and credit \$26.00 of that deposit to the credit of the~~
 13 ~~county clerk and \$15.00 of that deposit to the credit of the county~~
 14 ~~sheriff and~~ **CONCEALED PISTOL LICENSING FUND CREATED IN SECTION 5X.**
 15 **THE COUNTY TREASURER SHALL** forward the balance **REMAINING** to the
 16 state treasurer. The state treasurer shall deposit the balance of
 17 the fee in the general fund to the credit of the department of
 18 state police. The department of state police shall use the money
 19 received under this act to process the fingerprints and to
 20 reimburse the federal bureau of investigation for the costs
 21 associated with processing fingerprints submitted under this act.
 22 The balance of the money received under this act shall be credited
 23 to the department of state police.

24 (6) The county sheriff ~~on behalf of the concealed weapon~~
 25 ~~licensing board~~ shall verify the requirements of subsection (7) (d),
 26 (e), (f), (h), (i), (j), (k), ~~(l)~~, and (m) through the law
 27 enforcement information network and **SHALL VERIFY THE REQUIREMENTS**

1 OF SUBSECTION (7) (I) . THROUGH APRIL 30, 2013, THE COUNTY SHERIFF
2 SHALL report his or her finding to the concealed weapon licensing
3 board. If the applicant resides in a city, village, or township
4 that has a police department, the ~~concealed weapon licensing board~~
5 LICENSING AUTHORITY shall contact that city, village, or township
6 police department to determine only whether that city, village, or
7 township police department has any information relevant to the
8 investigation of whether the applicant is eligible under this act
9 to receive a license to carry a concealed pistol. IN ALL CASES, THE
10 LICENSING AUTHORITY SHALL CONTACT THE COUNTY SHERIFF, COUNTY
11 PROSECUTING ATTORNEY, AND THE STATE POLICE POST HAVING JURISDICTION
12 TO DETERMINE ONLY WHETHER THAT COUNTY SHERIFF, COUNTY PROSECUTING
13 ATTORNEY, OR STATE POLICE POST HAS ANY INFORMATION RELEVANT TO THE
14 INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT
15 TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. The ~~concealed~~
16 ~~weapon licensing board~~ LICENSING AUTHORITY may require a person
17 claiming active duty status with the United States armed forces
18 under this section to provide proof of 1 or both of the following:
19 (a) The person's home of record.
20 (b) Permanent active duty assignment in this state.
21 (7) The ~~concealed weapon licensing board~~ LICENSING AUTHORITY
22 shall issue, AND THE CLERK OF THE LICENSING AUTHORITY SHALL SEND, a
23 license to an applicant to carry a concealed pistol within the
24 period required under this act ~~after the applicant properly submits~~
25 ~~an application under subsection (1) and IF the concealed weapon~~
26 ~~licensing board~~ LICENSING AUTHORITY determines that all of the
27 following circumstances exist:

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

2 (b) The applicant is a citizen of the United States or is an
3 alien lawfully admitted into the United States, is a legal resident
4 of this state, and has resided in this state for not less than the
5 6 months immediately preceding the date of application. The
6 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** may waive the
7 6-month residency requirement for a temporary license under section
8 5a(8) if the ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**
9 determines there is probable cause to believe the safety of the
10 applicant or the safety of a member of the applicant's family is
11 endangered by the applicant's inability to immediately obtain a
12 license to carry a concealed pistol. If the applicant holds a valid
13 concealed pistol license issued by another state at the time the
14 applicant's residency in this state is established, the ~~concealed~~
15 ~~weapon licensing board~~ **LICENSING AUTHORITY** may waive the 6-month
16 waiting period and the applicant may apply for a concealed pistol
17 license at the time the applicant's residency in this state is
18 established. The ~~concealed weapon licensing board~~ **LICENSING**
19 **AUTHORITY** shall immediately issue **AND THE CLERK OF THE LICENSING**
20 **AUTHORITY SHALL IMMEDIATELY SEND** a temporary license to that
21 applicant. The temporary license shall be valid until the ~~concealed~~
22 ~~weapon licensing board~~ **LICENSING AUTHORITY** decides whether to grant
23 or deny the application. For the purposes of this section, a person
24 shall be considered a legal resident of this state if any of the
25 following apply:

26 (i) The person has a valid, lawfully obtained Michigan driver
27 license issued under the Michigan vehicle code, 1949 PA 300, MCL

1 257.1 to 257.923, or official state personal identification card
2 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

10 (c) The applicant has knowledge and has had training in the
11 safe use and handling of a pistol by the successful completion of a
12 pistol safety training course or class that meets the requirements
13 of section 5j, and that is available to the general public and
14 presented by a law enforcement agency, junior or community college,
15 college, or public or private institution or organization or
16 firearms training school.

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

19 (i) Section 464a of the mental health code, 1974 PA 258, MCL
20 330.1464a.

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

23 (iii) Sections 2950 and 2950a of the revised judicature act of
24 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

25 (iv) Section 6b of chapter V of the code of criminal procedure,
26 1927 PA 175, MCL 765.6b, if the order has a condition imposed
27 ~~pursuant to~~ **UNDER** section 6b(3) of chapter V of the code of

1 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

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

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

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

17 ~~—— (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL~~
18 ~~257.617a (failing to stop when involved in a personal injury~~
19 ~~accident).~~

20 ~~—— (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
21 ~~257.625, punishable as provided in subsection (9)(b) of that~~
22 ~~section (operating while intoxicated, second offense).~~

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

27 ~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL~~

1 ~~257.626 (reckless driving).~~

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

5 (i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL
 6 INJURY ACCIDENT), 625(9)(B) (OPERATING WHILE INTOXICATED, SECOND
 7 OFFENSE), 625M(4) (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL
 8 CONTENT, SECOND OFFENSE), 626 (RECKLESS DRIVING), OR 904(1)
 9 (OPERATING WHILE LICENSE SUSPENDED OR REVOKED, SECOND OR SUBSEQUENT
 10 OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A,
 11 257.625, 257.625M, 257.626, AND 257.904.

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

16 (iii) ~~(vii)~~ Section 29 of the weights and measures act, 1964 PA
 17 283, MCL 290.629 (hindering or obstructing certain persons
 18 performing official weights and measures duties).

19 (iv) ~~(viii)~~ Section 10 of the motor fuels quality act, 1984 PA
 20 44, MCL 290.650 (hindering, obstructing, assaulting, or committing
 21 bodily injury upon director or authorized representative).

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

27 ~~—— (x) Section 82127 of the natural resources and environmental~~

~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile under the influence of intoxicating liquor or a controlled substance), punishable as a second or subsequent offense under section 82128(1)(b) or (c) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82128.~~

~~— (xi) Section 80176 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, and punishable under 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

1 A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE) .

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

4 ~~—— (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL~~
5 ~~750.81 (assault or domestic assault).~~

6 ~~—— (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA~~
7 ~~328, MCL 750.81a (aggravated assault or aggravated domestic~~
8 ~~assault).~~

9 ~~—— (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL~~
10 ~~750.115 (breaking and entering or entering without breaking).~~

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

13 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
14 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
15 ~~purposes).~~

16 ~~—— (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL~~
17 ~~750.145n (vulnerable adult abuse).~~

18 ~~—— (xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA~~
19 ~~328, MCL 750.157b (solicitation to commit a felony).~~

20 ~~—— (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL~~
21 ~~750.215 (impersonating peace officer or medical examiner).~~

22 ~~—— (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL~~
23 ~~750.223 (illegal sale of a firearm or ammunition).~~

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

26 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL~~
27 ~~750.226a (sale or possession of a switchblade).~~

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

3 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~
4 ~~750.228 (failure to have a pistol inspected).~~

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

7 ~~—— (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL~~
8 ~~750.232 (failure to register the purchase of a firearm or a firearm~~
9 ~~component).~~

10 ~~—— (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL~~
11 ~~750.232a (improperly obtaining a pistol, making a false statement~~
12 ~~on an application to purchase a pistol, or using false~~
13 ~~identification to purchase a pistol).~~

14 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~
15 ~~750.233 (intentionally aiming a firearm without malice).~~

16 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~
17 ~~750.234 (intentionally discharging a firearm aimed without malice).~~

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

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

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

25 ~~—— (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL~~
26 ~~750.235 (intentionally discharging a firearm aimed without malice~~
27 ~~causing injury).~~

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

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

~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL 750.237 (possessing a firearm while under the influence of 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

1 OR MEDICAL EXAMINER), 223 (ILLEGAL SALE OF A FIREARM OR
 2 AMMUNITION), 224D (ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY),
 3 226A (SALE OR POSSESSION OF A SWITCHBLADE), 227C (IMPROPER
 4 TRANSPORTATION OF A LOADED FIREARM), 228 (FAILURE TO HAVE A PISTOL
 5 INSPECTED), 229 (ACCEPTING A PISTOL IN PAWN), 232 (FAILURE TO
 6 REGISTER THE PURCHASE OF A FIREARM OR A FIREARM COMPONENT), 232A
 7 (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE STATEMENT ON AN
 8 APPLICATION TO PURCHASE A PISTOL, OR USING FALSE IDENTIFICATION TO
 9 PURCHASE A PISTOL), 233 (INTENTIONALLY AIMING A FIREARM WITHOUT
 10 MALICE), 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
 11 MALICE), 234D (POSSESSING A FIREARM ON PROHIBITED PREMISES), 234E
 12 (BRANDISHING A FIREARM IN PUBLIC), 234F (POSSESSION OF A FIREARM BY
 13 AN INDIVIDUAL LESS THAN 18 YEARS OF AGE), 235 (INTENTIONALLY
 14 DISCHARGING A FIREARM AIMED WITHOUT MALICE CAUSING INJURY), 235A
 15 (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A WEAPON FREE SCHOOL
 16 ZONE), 236 (SETTING A SPRING GUN OR OTHER DEVICE), 237 (POSSESSING
 17 A FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
 18 CONTROLLED SUBSTANCE), 237A (WEAPON FREE SCHOOL ZONE VIOLATION),
 19 335A (INDECENT EXPOSURE), 411H (STALKING), OR 520E (FOURTH DEGREE
 20 CRIMINAL SEXUAL CONDUCT) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
 21 MCL 750.81, 750.81A, 750.115, 750.136B, 750.145N, 750.157B,
 22 750.215, 750.223, 750.224D, 750.226A, 750.227C, 750.228, 750.229,
 23 750.232, 750.232A, 750.233, 750.234, 750.234D, 750.234E, 750.234F,
 24 750.235, 750.235A, 750.236, 750.237, 750.237A, 750.335A, 750.411H,
 25 AND 750.520E.

26 (x) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A
 27 FIREARM RESULTING IN INJURY OR DEATH), 2 (CARELESS, RECKLESS, OR

1 NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY DAMAGE), OR 3A
 2 (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA 45, MCL 752.861,
 3 752.862, AND 752.863A.

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

8 (i) The applicant has not been convicted of a misdemeanor
 9 violation of any of the following in the 3 years immediately
 10 preceding the date of application unless the misdemeanor violation
 11 is listed under subdivision (h):

12 ~~—— (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
 13 ~~257.625 (operating under the influence).~~

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

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

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

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

24 (i) SECTION 625 (OPERATING UNDER THE INFLUENCE), 625A (REFUSAL
 25 OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL TEST), 625K
 26 (IGNITION INTERLOCK DEVICE REPORTING VIOLATION), 625L (CIRCUMVENTING
 27 AN IGNITION INTERLOCK DEVICE), OR 625M(3) (OPERATING A COMMERCIAL

1 VEHICLE WITH ALCOHOL CONTENT) OF THE MICHIGAN VEHICLE CODE, 1949 PA
2 300, MCL 257.625, 257.625A, 257.625K, 257.625I, AND 257.625M.

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

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

9 ~~Section 81135 of the natural resources and environmental~~
10 ~~protection act, 1994 PA 451, MCL 324.81135 (operating ORV while~~
11 ~~visibly impaired).~~

12 ~~Section 82127 of the natural resources and environmental~~
13 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~
14 ~~under the influence).~~

15 (iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), 81135
16 (OPERATING ORV WHILE VISIBLY IMPAIRED), OR 82127 (OPERATING A
17 SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL RESOURCES AND
18 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81134,
19 324.81135, AND 324.82127.

20 (iv) ~~(x)~~ Part 74 of the public health code, 1978 PA 368, MCL
21 333.7401 to 333.7461 (controlled substance violation).

22 (v) ~~(xi)~~ Section 353 of the railroad code of 1993, 1993 PA 354,
23 MCL 462.353, ~~(operating locomotive under the influence), punishable~~
24 ~~under subsection (3) of that section (OPERATING LOCOMOTIVE UNDER~~
25 ~~THE INFLUENCE).~~

26 ~~Section 167 of the Michigan penal code, 1931 PA 328, MCL~~
27 ~~750.167 (disorderly person).~~

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

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

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

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

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

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

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

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

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

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

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

(vi) SECTION 167 (DISORDERLY PERSON), 174 (EMBEZZLEMENT), 218 (FALSE PRETENSES WITH INTENT TO DEFRAUD), 356 (LARCENY), 356D(2) (SECOND DEGREE RETAIL FRAUD), 359 (LARCENY FROM A VACANT BUILDING OR STRUCTURE), 362 (LARCENY BY CONVERSION), 362A (LARCENY - DEFRAUDING LESSOR), 377A (MALICIOUS DESTRUCTION OF PROPERTY), 380

1 (MALICIOUS DESTRUCTION OF REAL PROPERTY), 535 (RECEIVING OR
2 CONCEALING STOLEN PROPERTY), OR 540E (MALICIOUS USE OF
3 TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.167, 750.174, 750.218, 750.356, 750.356D,
5 750.359, 750.362, 750.362A, 750.377A, 750.380, 750.535, AND
6 750.540E.

7 (vii) ~~(xiv)~~—A violation of a law of the United States, another
8 state, or a local unit of government of this state or another state
9 substantially corresponding to a violation described in
10 subparagraphs (i) to ~~(xiii)~~—(vi) .

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

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

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

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

22 (n) Issuing a license to the applicant to carry a concealed
23 pistol in this state is not detrimental to the safety of the
24 applicant or to any other individual. A determination under this
25 subdivision shall be based on clear and convincing evidence of
26 repeated violations of this act, crimes, personal protection orders
27 or injunctions, or police reports or other clear and convincing

1 evidence of the actions of, or statements of, the applicant that
2 bear directly on the applicant's ability to carry a concealed
3 pistol.

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

16 (9) An individual, after submitting an application and paying
17 the fee prescribed under subsection (5), shall request ~~and have~~
18 **THAT** classifiable fingerprints **BE** taken by the county sheriff or a
19 local police agency if that local police agency maintains
20 fingerprinting capability. If the individual requests that
21 classifiable fingerprints be taken by a local police agency, the
22 individual shall also pay to that local police agency a fee of
23 \$15.00 by any method of payment accepted by the unit of local
24 government for payments of other fees and penalties. The county
25 sheriff or local police agency shall take the fingerprints within 5
26 business days after the request. **COUNTY SHERIFFS AND LOCAL POLICE**
27 **AGENCIES THAT MAINTAIN FINGERPRINTING CAPABILITY SHALL PROVIDE**

1 REASONABLE ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS
 2 HOURS AS IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.
 3 THE FAILURE OF A COUNTY SHERIFF TO MAINTAIN FINGERPRINTING
 4 CAPABILITY IN COMPLIANCE WITH THIS ACT OR TO PROVIDE REASONABLE
 5 ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS HOURS TO
 6 APPLICANTS FOR A CONCEALED PISTOL LICENSE ON THE DAY OF APPLICATION
 7 DOES NOT AFFECT THE 45-DAY PERIOD FROM THE DATE OF APPLICATION IN
 8 WHICH THE LICENSING AUTHORITY IS REQUIRED TO ISSUE OR DENY A
 9 LICENSE.

10 (10) The fingerprints shall be taken, under subsection (9), on
 11 forms and in a manner prescribed by the department of state police.
 12 The fingerprints shall be immediately forwarded to the department
 13 of state police for comparison with fingerprints already on file
 14 with the department of state police. The department of state police
 15 shall **IMMEDIATELY** forward the fingerprints to the federal bureau of
 16 investigation. Within ~~10~~ 7 days after receiving a report of the
 17 fingerprints from the federal bureau of investigation, the
 18 department of state police shall provide a copy to the submitting
 19 sheriff's department or local police agency as appropriate and ~~the~~
 20 ~~clerk of~~ **TO** the appropriate ~~concealed weapon licensing board.~~

21 **LICENSING AUTHORITY.** Except as provided in subsection (14), the
 22 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall not
 23 issue a concealed pistol license until it receives the fingerprint
 24 comparison report prescribed in this subsection. The ~~concealed~~
 25 ~~weapon licensing board~~ **LICENSING AUTHORITY** may deny a license if an
 26 individual's fingerprints are not classifiable by the federal
 27 bureau of investigation **AND A REPORT CANNOT BE OBTAINED BASED ON**

1 THE INDIVIDUAL'S NAME, DATE OF BIRTH, AND OTHER IDENTIFYING
2 INFORMATION.

3 (11) The ~~concealed weapon licensing board~~ LICENSING AUTHORITY
4 shall deny a license to an applicant to carry a concealed pistol if
5 the applicant is not qualified under subsection (7) to receive that
6 license.

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

10 (13) Subject to subsections (10) and (14), the ~~concealed~~
11 ~~weapon licensing board~~ LICENSING AUTHORITY shall issue or deny
12 issuance of a license within 45 days after the ~~concealed weapon~~
13 ~~licensing board receives the fingerprint comparison report provided~~
14 ~~under subsection (10)~~ DATE OF APPLICATION. THE LICENSING AUTHORITY
15 SHALL INCLUDE AN EXEMPTION INDORSEMENT FROM THE PROHIBITIONS
16 AGAINST CARRYING A CONCEALED PISTOL ON PREMISES DESCRIBED IN
17 SECTION 5o IF THE APPLICANT REQUESTS THE EXEMPTION INDORSEMENT ON
18 HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE EXEMPTION UNDER
19 SECTION 5o(4) (J). If the ~~concealed weapon licensing board~~ LICENSING
20 AUTHORITY denies issuance of a license to carry a concealed pistol,
21 OR DENIES AN EXEMPTION UNDER SECTION 5o(5) (K), the ~~concealed weapon~~
22 ~~licensing board~~ LICENSING AUTHORITY shall within ~~5 business~~ 7 days
23 do both of the following:

24 (a) Inform the applicant in writing of the reasons for the
25 denial. Information under this subdivision shall include all of the
26 following:

27 (i) A statement of the specific and articulable facts

1 supporting the denial.

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

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

6 ~~(14) If the fingerprint comparison report is not received by~~
7 ~~the concealed weapon licensing board within 60 days after the~~
8 ~~fingerprint report is forwarded to the department of state police~~
9 ~~by the federal bureau of investigation, the concealed weapon~~

10 ~~licensing board~~ IF A LICENSE IS NOT GRANTED OR DENIED UNDER
11 SUBSECTION (13) WITHIN 45 DAYS AFTER THE APPLICATION FOR A LICENSE
12 IS SUBMITTED, THE CLERK OF THE LICENSING AUTHORITY shall, ~~issue a~~
13 ~~temporary license to carry a concealed pistol to the applicant if~~
14 ~~the applicant is otherwise qualified for a license. WITHIN 10 DAYS,~~
15 ISSUE BY MAIL A TEMPORARY LICENSE TO CARRY A CONCEALED PISTOL TO
16 THE APPLICANT ALONG WITH A REFUND OF THE PORTION OF THE APPLICATION
17 AND LICENSING FEE DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND
18 UNDER SUBSECTION (5) FROM THE ACCOUNT CREDITED TO THE LICENSING
19 AUTHORITY WITHIN THE CONCEALED PISTOL LICENSING FUND TO THE EXTENT
20 THERE ARE SUFFICIENT FUNDS WITHIN THAT ACCOUNT TO PAY THAT REFUND,
21 WITH ANY DEFICIT IN THAT BALANCE BEING PAID FROM THE COUNTY GENERAL
22 FUND. IF THE CLERK OF THE LICENSING AUTHORITY FAILS TO ISSUE A
23 TEMPORARY LICENSE AND TO REFUND THE LICENSING AUTHORITY'S PORTION
24 OF THE FEE WITHIN 10 DAYS AS PROVIDED IN THIS SUBSECTION, THE CLERK
25 SHALL IMMEDIATELY ISSUE A TEMPORARY LICENSE TO CARRY A CONCEALED
26 PISTOL TO THE APPLICANT AND SHALL REFUND TO THE APPLICANT THE
27 PORTION OF THE APPLICATION AND LICENSING FEE THAT WAS CREDITED TO

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

27 (15) If an individual licensed under this act to carry a

1 concealed pistol moves to a different county within this state, his
2 or her license remains valid until it expires or is otherwise
3 suspended or revoked under this act. A license to carry a concealed
4 pistol that is lost, stolen, or defaced may be replaced by the
5 issuing county clerk for a replacement fee of \$10.00.

6 (16) If a ~~concealed weapons licensing board~~ **LICENSING**
7 **AUTHORITY** suspends or revokes a license issued under this act, the
8 license is forfeited and shall be returned to the ~~concealed weapon~~
9 ~~licensing board~~ **CLERK OF THE LICENSING AUTHORITY** forthwith. An
10 individual who fails to return a license as required under this
11 subsection after he or she was notified that his or her license was
12 suspended or revoked is guilty of a misdemeanor punishable by
13 imprisonment for not more than 93 days or a fine of not more than
14 \$500.00, or both.

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

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

23 (19) **AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**
24 **FROM SECTION 5o AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL**
25 **OR RENEWAL LICENSE UNDER THIS SECTION SHALL NOT BE REQUIRED TO PAY**
26 **ANY ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO**
27 **APPLIES FOR AN EXEMPTION FROM SECTION 5o AT A TIME OTHER THAN AT**

1 THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE
2 UNDER THIS SECTION MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN
3 \$20.00 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE
4 EXEMPTION AND THE ISSUANCE OF A REPLACEMENT LICENSE. THE EXEMPTION
5 SHALL APPEAR AS AN INDORSEMENT ON THE FACE OF THE LICENSE. THE FEE
6 COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE CONCEALED
7 PISTOL LICENSING FUND CREATED UNDER SECTION 5X AND DIVIDED EQUALLY
8 TO THE ACCOUNTS OF THE LICENSING AUTHORITY AND THE CLERK OF THE
9 LICENSING AUTHORITY UNLESS THE AUTHORITY TO ISSUE THE EXEMPTION WAS
10 DELEGATED TO THE CLERK.

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

25 (21) A LICENSING AUTHORITY OR THE CLERK OF A LICENSING
26 AUTHORITY IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE
27 ISSUANCE OF A LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER

1 **COMMITTS A CRIME OR A NEGLIGENT ACT.**

2 (22) ~~(19)~~—As used in this section:

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

9 (b) "Felony" means that term as defined in section 1 of
10 chapter I of the code of criminal procedure, 1927 PA 175, MCL
11 761.1, or a violation of a law of the United States or another
12 state that is designated as a felony or that is punishable by death
13 or by imprisonment for more than 1 year.

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

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

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

27 Sec. 5c. (1) A license to carry a concealed pistol shall be in

1 a form, with the same dimensions as a Michigan operator license,
 2 prescribed by the department of state police. **BEGINNING MAY 1,**
 3 **2013, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**
 4 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**
 5 **UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00**
 6 **MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE**
 7 **CLERK OF THE LICENSING AUTHORITY ALSO PROVIDES THE OPTION OF**
 8 **OBTAINING A PLASTIC LAMINATED PAPER LICENSE AT NO CHARGE.** The
 9 license shall contain all of the following:

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

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

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

13 (d) An indication of exceptions authorized by this act
 14 applicable to the licensee, **INCLUDING WHETHER THE INDIVIDUAL IS**
 15 **EXEMPT FROM THE PROHIBITIONS SET FORTH IN SECTION 5o.**

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

17 (2) Subject to section 5o and except as otherwise provided by
 18 law, a license to carry a concealed pistol issued by the ~~county~~
 19 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** authorizes the
 20 licensee to do all of the following:

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

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

25 Sec. 5d. (1) If the ~~concealed weapon licensing board~~ **LICENSING**
 26 **AUTHORITY** denies issuance of a license to carry a concealed pistol,
 27 or fails to issue that license **OR FAILS TO PROVIDE AN EXEMPTION**

1 FROM THE PROHIBITIONS SET FORTH IN SECTION 50 as provided in this
 2 act, the applicant may appeal the denial or the failure to issue
 3 the license OR TO PROVIDE AN EXEMPTION to the circuit court in the
 4 judicial circuit in which he or she resides. The appeal of the
 5 denial or failure to issue a license OR TO PROVIDE AN EXEMPTION
 6 shall be determined by a review of the record for error, except
 7 that if the decision of the ~~concealed weapon licensing board~~
 8 LICENSING AUTHORITY was based upon grounds specified in section
 9 5b(7)(n) that portion of the appeal shall be by hearing de novo.
 10 Witnesses in the hearing shall be sworn. A jury shall not be
 11 provided in a hearing under this section.

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

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

1 APPLICANT. ALL COSTS, FEES, AND REFUNDS AWARDED TO THE APPLICANT
2 UNDER THIS SUBSECTION SHALL BE PAID OUT OF THE CONCEALED PISTOL
3 LICENSING FUND IF A SUFFICIENT BALANCE EXISTS IN THAT FUND, OR OUT
4 OF THE COUNTY GENERAL FUND IF A SUFFICIENT BALANCE DOES NOT EXIST
5 IN THE CONCEALED PISTOL LICENSING FUND. THE COURT SHALL MAKE A
6 DETERMINATION AS TO THE RESPONSIBILITY OR PROPORTION OF
7 RESPONSIBILITY BETWEEN THE LICENSING AUTHORITY AND THE CLERK OF THE
8 LICENSING AUTHORITY FOR THE DENIAL OF THE LICENSE OR THE FAILURE TO
9 ISSUE THE LICENSE OR TO PROVIDE AN EXEMPTION WHEN AWARDING COSTS,
10 FEES, AND REFUNDS UNDER THIS SUBSECTION AND SHALL ORDER THE AWARD
11 TO BE PAID OUT OF THE RESPECTIVE ACCOUNTS WITHIN THE CONCEALED
12 PISTOL LICENSING FUND TO THE EXTENT THAT THERE ARE SUFFICIENT FUNDS
13 WITHIN THE ACCOUNTS TO PAY THOSE AWARDS. ANY DEFICIT IN EITHER
14 ACCOUNT BALANCE SHALL BE ORDERED TO BE PAID FROM THE COUNTY GENERAL
15 FUND.

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

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

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

26 (b) If the individual is licensed to carry a concealed pistol
27 in this state, the license number, ~~and~~ date of expiration, **AND ANY**

1 **EXEMPTIONS ON THE LICENSE.**

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

6 (d) A statement of all criminal charges pending and criminal
7 convictions obtained against the individual during the license
8 period.

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

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

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

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

1 15.246.

2 (5) The department of state police shall file an annual report
3 with the secretary of the senate and the clerk of the house of
4 representatives setting forth all of the following information for
5 each ~~county concealed weapon licensing board~~. **LICENSING AUTHORITY:**

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

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

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

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

10 (e) The number of concealed pistol licenses **SUSPENDED OR**
11 **revoked.**

12 (f) Categories for **SUSPENSION OR** revocation under subdivision
13 (e).

14 (g) The number of applications pending at the time the report
15 is made.

16 (h) The mean and median amount of time and the longest and
17 shortest amount of time used by the federal bureau of investigation
18 to supply the fingerprint comparison report required in section
19 ~~5b(11)~~. **5B(10)**. The department may use a statistically significant
20 sample to comply with this subdivision.

21 (i) The number of charges of state civil infractions of this
22 act or charges of criminal violations, categorized by offense,
23 filed against individuals licensed to carry a concealed pistol that
24 resulted in a finding of responsibility or a criminal conviction.
25 The report shall indicate the number of crimes in each category of
26 criminal offense that involved the brandishing or use of a pistol,
27 the number that involved the carrying of a pistol by the license

holder during the commission of the crime, and the number in which no pistol was carried by the license holder during the commission of the crime. **THE REPORT SHALL ALSO INDICATE THE TOTAL NUMBER OF INDIVIDUALS CHARGED AND THE TOTAL NUMBER OF THOSE INDIVIDUALS FOUND RESPONSIBLE OR CONVICTED.**

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

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

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

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

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

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

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

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

1 that peace officer:

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

3 (b) His or her driver license or Michigan personal
4 identification card.

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

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

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

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

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

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

27 (7) A pistol or portable device that uses electro-muscular

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

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

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

27 (8) As used in this section, "peace officer" includes a motor

1 carrier officer appointed under section 6d of 1935 PA 59, MCL
2 28.6d, and security personnel employed by the state under section
3 6c of 1935 PA 59, MCL 28.6c.

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

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

14 (i) The safe storage, use, and handling of a pistol including,
15 but not limited to, safe storage, use, and handling to protect
16 child safety.

17 (ii) Ammunition knowledge, and the fundamentals of pistol
18 shooting.

19 (iii) Pistol shooting positions.

20 (iv) Firearms and the law, including civil liability issues and
21 the use of deadly force. This portion shall be taught by an
22 attorney or an individual ~~trained in the use of deadly~~
23 ~~force~~. **CERTIFIED AS A PEACE OFFICER IN THIS STATE.**

24 (v) Avoiding criminal attack and controlling a violent
25 confrontation.

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

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

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

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

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

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

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

24 (d) The instructor of the course is certified by this state or
25 a STATE OR national FIREARMS TRAINING organization to teach the 8-
26 ~~hour~~ pistol safety training ~~course~~ COURSES described in this
27 section. THE LICENSING AUTHORITY SHALL NOT REQUIRE ANY OTHER

1 CERTIFICATION OR THAT THE INSTRUCTOR REGISTER AS AN INSTRUCTOR WITH
2 THE COUNTY.

3 (2) A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS
4 UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED
5 MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE
6 APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT
7 THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.

8 (3) ~~(2)~~ A person shall not do either of the following:

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

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

16 (4) ~~(3)~~ A person who violates subsection ~~(2)~~ (3) is guilty of
17 a felony punishable by imprisonment for not more than 4 years or a
18 fine of not more than \$2,500.00, or both.

19 (5) ~~(4)~~ A ~~concealed weapons licensing board~~ **LICENSING**
20 **AUTHORITY** shall not require that a specific form, color, wording,
21 or other content appear on a certificate of completion. ~~, except as~~
22 ~~provided in subsection (5), and shall accept as valid a certificate~~
23 ~~of completion issued prior to the effective date of the amendatory~~
24 ~~act that added this subsection that contains an inaccurate~~
25 ~~reference or no reference to this section but otherwise complies~~
26 ~~with this section.~~

27 ~~— (5) Beginning October 1, 2004, a concealed weapons licensing~~

~~board shall require that a certificate of completion contain the statement, "This course complies with section 5j of 1927 PA 372."~~

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

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

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

(b) If the person had a bodily alcohol content of .08 or more but less than .10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the individual is

1 guilty of a misdemeanor punishable by imprisonment for not more
2 than 93 days or \$100.00, or both. The court may order the ~~concealed~~
3 ~~weapon-licensing board that issued the individual a license to~~
4 ~~carry a concealed pistol~~ **AUTHORITY** to ~~revoke~~ **SUSPEND** the license
5 for not more than 3 years. The ~~concealed weapon-licensing board~~
6 **AUTHORITY** shall ~~revoke~~ **SUSPEND** the license as ordered by the court.

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

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

22 (a) Transporting that pistol in the locked trunk of his or her
23 motor vehicle or another motor vehicle in which he or she is a
24 passenger or, if the vehicle does not have a trunk, from
25 transporting that pistol unloaded in a locked compartment or
26 container that is separated from the ammunition for that pistol.

27 (b) Transporting that pistol on a vessel if the pistol is

1 transported unloaded in a locked compartment or container that is
2 separated from the ammunition for that pistol.

3 (c) Transporting a portable device using electro-muscular
4 disruption technology in the locked trunk of his or her motor
5 vehicle or another motor vehicle in which he or she is a passenger,
6 or, if the vehicle does not have a trunk, from transporting that
7 portable device in a locked compartment or container.

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

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

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

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

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

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

26 (b) If the individual submits to the chemical analysis, he or
27 she may obtain a chemical analysis described in subsection (4) from

1 a person of his or her own choosing.

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

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

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

18 (9) As used in this section:

19 (a) "Alcoholic liquor" means that term as defined in section
20 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
21 436.1105.

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

24 (c) **"UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED**
25 **SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A**
26 **PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT**
27 **PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION**

1 OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.

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

4 (1) ~~(2) An initial~~ A license to carry a concealed pistol,
5 ~~issued or renewed on or after July 1, 2006, other than a license~~
6 ~~described in subsection (1),~~ INCLUDING A RENEWAL LICENSE, is valid
7 until the applicant's date of birth that falls not less than 4
8 years or more than 5 years after the license is issued or renewed,
9 as applicable. THE CLERK OF THE LICENSING AUTHORITY SHALL NOTIFY
10 THE LICENSEE THAT HIS OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE
11 RENEWED AS PROVIDED IN THIS SECTION. THE NOTIFICATION SHALL BE SENT
12 BY THE CLERK TO THE LAST KNOWN ADDRESS OF THE LICENSEE AS SHOWN ON
13 THE RECORDS OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL BE
14 SENT IN A SEALED ENVELOPE BY FIRST-CLASS MAIL NOT LESS THAN 3
15 MONTHS OR MORE THAN 6 MONTHS BEFORE THE EXPIRATION DATE OF THE
16 CURRENT LICENSE. Except as provided in subsections ~~(8)~~ (7) and ~~(9)~~,
17 (8), a renewal of a license under section 5b shall, except as
18 provided in this section, be issued in the same manner as an
19 original license issued under section 5b. AN APPLICANT IS ELIGIBLE
20 FOR A RENEWAL OF A LICENSE UNDER THIS SECTION IF HIS OR HER LICENSE
21 IS NOT EXPIRED, OR EXPIRED WITHIN A 5-YEAR PERIOD PRIOR TO THE DATE
22 OF APPLICATION UNDER THIS SECTION.

23 (2) ~~(3)~~ Subject to subsections ~~(8)~~ (7) and ~~(9)~~, (8), an
24 application to renew a license to carry a concealed pistol may be
25 submitted not more than 6 months before the expiration of the
26 current license. If the ~~concealed weapon licensing board~~ AUTHORITY
27 approves the renewal, the effective date of the renewal license is

1 the date of expiration of the current license or the date of
 2 approval of the renewal, whichever is later, and the date of
 3 expiration is the applicant's date of birth which is not less than
 4 4 years or more than 5 years from the effective date of the
 5 license.

6 (3) ~~(4) The concealed weapon licensing board~~ **AUTHORITY** shall
 7 issue or deny issuance of a renewal license within ~~60~~ **45** days after
 8 the **DATE OF** application for renewal. ~~is properly submitted.~~ The
 9 county clerk shall issue the applicant a receipt for his or her
 10 renewal application at the time the application is submitted. The
 11 receipt shall contain all of the following:

12 (a) The name of the applicant.

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

14 (c) The amount paid.

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

16 (e) A statement of whether the applicant qualifies for an
 17 extension under subsection ~~(5)~~ **(4)**.

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

19 (g) An impression of the county seal.

20 (4) ~~(5) If the concealed weapon licensing board~~ **AUTHORITY**
 21 fails to deny or issue a renewal license to the person within ~~60~~ **45**
 22 days as required under subsection ~~(4)~~ **(3)**, the expiration date of
 23 the current license is extended by 180 days or until the renewal
 24 license is issued, whichever occurs first, **AND THE CLERK OF THE**
 25 **LICENSING AUTHORITY SHALL REFUND THE PORTION OF THE APPLICATION AND**
 26 **LICENSING FEE DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND**
 27 **UNDER SECTION 5B(5) TO THE APPLICANT.** ~~This subsection does not~~

~~apply unless the person pays the renewal fee at the time the~~
~~renewal application is submitted and the person has submitted a~~
~~receipt from a police agency that confirms that a background check~~
~~has been requested by the applicant.~~ THE REFUND SHALL BE PAID FROM
THE ACCOUNT CREDITED TO THE LICENSING AUTHORITY WITHIN THE
CONCEALED PISTOL LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT
FUNDS WITHIN THAT ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN
THAT BALANCE BEING PAID FROM THE COUNTY GENERAL FUND. THE REFUND
SHALL BE PAID WITHIN 10 DAYS AFTER THE EXPIRATION OF THE 45-DAY
PERIOD DESCRIBED IN THIS SUBSECTION. IF THE CLERK FAILS TO PAY THE
REFUND OF THE PORTION OF THE APPLICATION AND LICENSING FEE
DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND UNDER SECTION
5B(5) WITHIN THE 10-DAY PERIOD, THE CLERK OF THE LICENSING
AUTHORITY SHALL INSTEAD IMMEDIATELY REFUND TO THE APPLICANT THE
PORTION OF THE APPLICATION AND LICENSING FEE THAT WAS CREDITED TO
THE LICENSING AUTHORITY AND THE PORTION THAT WAS CREDITED TO THE
CLERK OF THE LICENSING AUTHORITY WITHIN THE CONCEALED PISTOL
LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT FUNDS WITHIN EACH
ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN THAT BALANCE OF
EITHER ACCOUNT BEING PAID FROM THE COUNTY GENERAL FUND. THE
DEPARTMENT OF STATE POLICE SHALL PREPARE A FORM FOR OBTAINING
REFUNDS UNDER THIS SUBSECTION AND SHALL INCLUDE THE FORM IN
CONCEALED PISTOL APPLICATION KITS PROVIDED UNDER SECTION 5.

(5) ~~(6)~~—A person carrying a concealed pistol after the
expiration date of his or her license ~~pursuant to~~ UNDER an
extension under subsection ~~(5)~~—(4) shall keep the receipt issued by
the county clerk under subsection ~~(4)~~—(3) and his or her expired

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

8 (6) ~~(7)~~—The educational requirements under section 5b(7)(c)
9 are waived for an applicant who is **AN ACTIVE PEACE OFFICER**, a
10 retired police officer, or **A** retired law enforcement officer.

11 (7) ~~(8)~~—The educational requirements under section 5b(7)(c)
12 for an applicant who is applying for a renewal of a license under
13 this act are waived except that the applicant shall certify that he
14 or she has completed at least 3 hours' review of the training
15 described under section 5b(7)(c) and has had at least 1 hour of
16 firing range time in the 6 months immediately preceding the
17 subsequent application. **BEGINNING MAY 1, 2013, THE APPLICANT SHALL**
18 **ALSO CERTIFY THAT IN THE 1 HOUR OR MORE OF FIRING RANGE TIME**
19 **REQUIRED BY THIS SUBSECTION, THE APPLICANT FIRED AT LEAST 98**
20 **ROUNDS. THE EDUCATIONAL AND FIRING RANGE REQUIREMENTS OF THIS**
21 **SUBSECTION ARE MET IF THE APPLICANT CERTIFIES ON THE RENEWAL**
22 **APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH THE REQUIREMENTS**
23 **OF THIS SUBSECTION. THE LICENSING AUTHORITY SHALL NOT OTHERWISE**
24 **REQUIRE VERIFICATION OF THE STATEMENTS MADE UNDER THIS SUBSECTION**
25 **AND SHALL NOT REQUIRE AN APPLICANT TO OBTAIN A CERTIFICATE OR**
26 **UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS SUBSECTION.**

27 (8) ~~(9)~~ ~~Beginning January 1, 2007, an~~ ~~AN~~ applicant who is

1 applying for a renewal of a license issued under section 5b is not
2 required to have fingerprints taken again under section 5b(9) if
3 all of the following conditions have been met:

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

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

12 Sec. 5m. ~~A prosecuting attorney~~ **THE DEPARTMENT OF STATE POLICE**
13 shall promptly notify the ~~county concealed weapon licensing board~~
14 **AUTHORITY OF THE COUNTY** that issued the license of a criminal
15 charge against a license holder for a felony or specified criminal
16 offense as defined in this act. The ~~prosecuting attorney~~ **DEPARTMENT**
17 **OF STATE POLICE** shall promptly notify the ~~county concealed weapon~~
18 ~~licensing board~~ **LICENSING AUTHORITY OF THE COUNTY** that issued the
19 license of the disposition of the criminal charge. If a license
20 holder is convicted of a crime, the **LICENSING AUTHORITY SHALL**
21 **REQUEST THE** ~~prosecuting attorney's notification shall~~ **ATTORNEY TO**
22 indicate if the crime involved the brandishing or use of a pistol,
23 if a pistol was carried by the license holder during the commission
24 of the crime, or if no pistol was carried by the license holder
25 during the commission of the crime. The state police shall provide
26 a form for reporting purposes. Each year by a date determined by
27 the director of the department of state police, the ~~chairperson of~~

1 ~~the county concealed weapon licensing board~~ **LICENSING AUTHORITY**

2 shall compile and provide a report to the department of state
3 police in a format determined by the director of the department of
4 state police containing the information provided to the ~~concealed~~
5 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this section,
6 section 5f(6), or section 5k(7) or (8).

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

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

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

21 (c) A sports arena or stadium.

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

1 to holders of licenses under the Michigan liquor control code of
2 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
3 stating that "This establishment prohibits patrons from carrying
4 concealed weapons". The owner or operator of an establishment
5 licensed under the Michigan liquor control code of 1998, 1998 PA
6 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
7 sign developed under this subdivision. A record made available by
8 an establishment licensed under the Michigan liquor control code of
9 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce
10 this subdivision is exempt from disclosure under the freedom of
11 information act, 1976 PA 442, MCL 15.231 to 15.246.

12 (e) Any property or facility owned or operated by a church,
13 synagogue, mosque, temple, or other place of worship, unless the
14 presiding official or officials of the church, synagogue, mosque,
15 temple, or other place of worship permit the carrying of concealed
16 pistol on that property or facility.

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

22 (g) A hospital.

23 (h) A dormitory or classroom of a community college, college,
24 or university.

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

1 (3) An individual licensed under this act to carry a concealed
2 pistol, or who is exempt from licensure under section 12a(1)(f),
3 shall not carry a concealed pistol in violation of R 432.1212 or a
4 successor rule of the Michigan administrative code promulgated
5 under the Michigan gaming control and revenue act, 1996 IL 1, MCL
6 432.201 to 432.226.

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

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

11 (a) An individual licensed under this act who is a retired
12 police officer or retired law enforcement officer. The ~~concealed~~
13 ~~weapon-licensing board may require a letter from the law~~
14 ~~enforcement agency stating~~ **AUTHORITY SHALL CONTACT THE APPROPRIATE**
15 **POLICE OR LAW ENFORCEMENT AGENCY TO VERIFY** that the retired police
16 officer or law enforcement officer retired in good standing.

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

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

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

27 (e) An individual who is licensed under this act and who is a

1 motor carrier officer or capitol security officer of the department
2 of state police.

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

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

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

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

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

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

25 **(i) THE INDIVIDUAL IS A LICENSEE OR IS APPLYING FOR AN INITIAL**
26 **OR RENEWAL LICENSE OR AN EXEMPTION UNDER THIS SUBDIVISION WHO**
27 **PROVIDES A CERTIFICATE INDICATING ON ITS FACE THAT THE INDIVIDUAL**

1 HAS COMPLETED NOT LESS THAN 8 HOURS OF TRAINING IN ADDITION TO THE
2 TRAINING REQUIRED UNDER SECTIONS 5B(7)(C) AND 5J THAT SATISFIES ALL
3 OF THE FOLLOWING CONDITIONS:

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

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

7 (C) IT FOCUSES ON THE TRAINING PRINCIPLES DESCRIBED IN SECTION
8 5B(7)(C) AS THEY APPLY TO PUBLIC PLACES AND PREMISES LISTED IN
9 SUBSECTION (1) AS LIMITED UNDER SUBSECTION (5).

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

12 (E) THE TRAINING INSTRUCTOR IS CERTIFIED AS A FIREARMS
13 INSTRUCTOR BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS
14 TRAINING ORGANIZATION AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE
15 TRAINING UNDER SECTION 5B(7)(C).

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

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

27 (6) THE LICENSING AUTHORITY MAY DELEGATE THE RESPONSIBILITY

1 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SUBSECTION
2 (5) (K) TO THE CLERK OF THE LICENSING AUTHORITY FOR CURRENT
3 LICENSEES ONLY.

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

19 (8) IF THE LICENSING AUTHORITY DELEGATES THE RESPONSIBILITY
20 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SECTION 50 TO
21 THE CLERK OF THE LICENSING AUTHORITY, THE ENTIRE FEE PAID FOR THE
22 EXEMPTION AND THE REPLACEMENT LICENSE SHALL BE DEPOSITED IN THE
23 CONCEALED PISTOL LICENSING FUND AND CREDITED TO THE ACCOUNT
24 ESTABLISHED FOR THE CLERK OF THE LICENSING AUTHORITY.

25 (9) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A
26 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION
27 UNDER SECTION 50, THE APPLICANT SHALL SURRENDER HIS OR HER LICENSE

1 TO THE LICENSING AUTHORITY BY MAIL OR IN PERSON IMMEDIATELY UPON
2 RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE EXEMPTION
3 INDORSEMENT.

4 (10) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
5 CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION
6 12A(1) (H), SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL
7 ON THE PREMISES LISTED IN SUBSECTION (1) (A) TO (H) UNLESS THE
8 INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS
9 EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL
10 OVER THE PREMISES DESCRIBED IN SUBSECTION (1), IF THE POSSESSION OF
11 THE FIREARM IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS
12 OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES, OR THE
13 INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER
14 OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES.

15 (11) ~~(6)~~—An individual who violates this section is
16 responsible for a state civil infraction or guilty of a crime as
17 follows:

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

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

26 (c) For a third or subsequent violation, the individual is
27 guilty of a felony punishable by imprisonment for not more than 4

1 years or a fine of not more than \$5,000.00, or both. The court
2 shall order the individual's license to carry a concealed pistol
3 revoked.

4 SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL
5 LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED UNDER THIS ACT.
6 THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE CONCEALED
7 PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND INTEREST AND
8 EARNINGS FROM FUND INVESTMENTS.

9 (2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING
10 FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND
11 ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN
12 APPROPRIATION. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL
13 LICENSING FUND SHALL BE USED BY THE COUNTY CLERK AS CLERK OF THE
14 LICENSING AUTHORITY AND BY THE LICENSING AUTHORITY FROM EACH OF
15 THEIR RESPECTIVE ACCOUNTS WITHIN THE FUND ONLY FOR THE COST OF
16 ADMINISTERING THIS ACT. ALLOWABLE EXPENDITURES INCLUDE, BUT ARE NOT
17 LIMITED TO, PAYING REFUNDS REQUIRED UNDER THIS ACT AND FOR ANY OF
18 THE FOLLOWING COSTS OF THE LICENSING AUTHORITY OR OF THE COUNTY
19 CLERK OR CLERK OF THE LICENSING AUTHORITY:

20 (A) STAFFING REQUIREMENTS.

21 (B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE
22 FINGERPRINTS BY ELECTRONIC MEANS.

23 (C) OFFICE SUPPLIES.

24 (D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM
25 UPGRADES.

26 Sec. 8. (1) ~~The concealed weapon licensing board that issued a~~
27 ~~license to an individual to carry a concealed pistol~~ LICENSING

1 **AUTHORITY** may **SUSPEND OR** revoke ~~that~~ **A** license **AS PERMITTED UNDER**
2 **THIS ACT** if the ~~board~~ **LICENSING AUTHORITY** determines that the
3 individual committed any violation of this act other than a
4 violation of section 5f(4). If the ~~board~~ **LICENSING AUTHORITY**
5 determines that the individual has been found responsible for 3 or
6 more state civil infraction violations of this act during the
7 license period, the ~~board~~ **LICENSING AUTHORITY** shall conduct a
8 hearing and may suspend the individual's license for not more than
9 1 year.

10 (2) Except as provided in subsections (3), (4), and (5), a
11 license shall not be **SUSPENDED OR** revoked under this section except
12 upon written complaint and an opportunity for a hearing ~~before~~
13 **BETWEEN THE LICENSEE AND** the ~~board~~ **LICENSING AUTHORITY**. The ~~board~~
14 **LICENSING AUTHORITY** shall give the individual at least 10 days'
15 notice of a hearing under this section. The notice shall be by
16 personal service **BY THE LICENSING AUTHORITY** or by ~~certified~~ **FIRST-**
17 **CLASS** mail ~~delivered~~ **IN A SEALED ENVELOPE SENT BY THE CLERK OF THE**
18 **LICENSING AUTHORITY** to the individual's last known address.

19 (3) If the ~~concealed weapon licensing board~~ **LICENSING**
20 **AUTHORITY** is notified by a law enforcement agency or prosecuting
21 official that an individual licensed to carry a concealed pistol is
22 charged with a felony or misdemeanor as defined in this act, the
23 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall
24 immediately suspend the individual's license until there is a final
25 disposition of the charge for that offense and **THE CLERK OF THE**
26 **LICENSING AUTHORITY SHALL** send notice **BY FIRST-CLASS MAIL IN A**
27 **SEALED ENVELOPE** of that suspension to the individual's last known

1 address as indicated in the records of the ~~concealed weapon~~
2 ~~licensing board~~. **LICENSING AUTHORITY**. The notice shall inform the
3 individual that he or she is entitled to a prompt hearing on the
4 suspension, and the ~~concealed weapon licensing board~~ **LICENSING**
5 **AUTHORITY** shall conduct a prompt hearing **BETWEEN THE LICENSEE AND**
6 **THE LICENSING AUTHORITY** if requested in writing by the individual.
7 ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (6), THE** requirements of
8 subsection (2) do not apply to this subsection.

9 (4) The ~~concealed weapon licensing board~~ that issued a license
10 ~~to an individual to carry a concealed pistol~~ **LICENSING AUTHORITY**
11 shall revoke that license if the ~~board~~ **LICENSING AUTHORITY**
12 determines that the individual is not eligible under this act to
13 receive a license to carry a concealed pistol. The ~~concealed weapon~~
14 ~~licensing board~~ **CLERK OF THE LICENSING AUTHORITY** shall immediately
15 send notice of the fact of and the reason for the revocation under
16 this subsection ~~by first class mail~~ **IN A SEALED ENVELOPE** to the
17 individual's last known address as indicated on the records of the
18 ~~concealed weapon licensing board~~. The **LICENSING AUTHORITY. EXCEPT**
19 **AS PROVIDED IN SUBSECTION (6), THE** requirements of subsection (2)
20 do not apply to this subsection.

21 (5) If the ~~concealed weapon licensing board~~ **LICENSING**
22 **AUTHORITY** determines by clear and convincing evidence based on
23 specific articulable facts that the applicant poses a danger to the
24 applicant or to any other person, the ~~concealed weapon licensing~~
25 ~~board~~ **LICENSING AUTHORITY** shall immediately suspend the
26 individual's license pending a **SUSPENSION OR** revocation hearing
27 under this section. The ~~concealed weapon licensing board~~ **CLERK OF**

1 THE LICENSING AUTHORITY shall send notice of the suspension to the
2 individual's last known address as indicated in the records of the
3 ~~concealed weapon licensing board.~~ LICENSING AUTHORITY. The notice
4 shall inform the individual that he or she is entitled to a prompt
5 hearing on the suspension, and the ~~concealed weapon licensing board~~
6 LICENSING AUTHORITY shall conduct a prompt hearing if requested in
7 writing by the individual. ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION
8 (6), THE requirements of subsection (2) do not apply to this
9 subsection.

10 (6) A HEARING UNDER THIS SECTION SHALL BE CLOSED TO THE PUBLIC
11 UPON THE REQUEST OF THE INDIVIDUAL. THE INDIVIDUAL IS ENTITLED TO
12 BE REPRESENTED BY LEGAL COUNSEL DURING THE HEARING AND TO PRESENT
13 RELEVANT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES, IN HIS OR
14 HER BEHALF. IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE
15 SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS,
16 AS APPLICABLE, OR UNTIL A SPECIFIC DATE. THE LICENSEE SHALL
17 PROMPTLY SURRENDER HIS OR HER LICENSE TO THE CLERK OF THE LICENSING
18 AUTHORITY AFTER BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN
19 REVOKED OR SUSPENDED.

20 (7) IF A LICENSING AUTHORITY ORDERED A LICENSE SUSPENDED UNDER
21 THIS SECTION AND THAT LICENSE WAS SURRENDERED BY THE LICENSEE, THE
22 LICENSING AUTHORITY SHALL, UPON THE EXPIRATION OF THE SUSPENSION
23 PERIOD, AUTOMATICALLY REINSTATE THE LICENSE IF THE LICENSE WAS
24 SUSPENDED AS REQUIRED UNDER SUBSECTION (5), IS NOT EXPIRED, AND THE
25 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE UNDER THIS
26 ACT TO CARRY A CONCEALED PISTOL. THE CLERK OF THE LICENSING
27 AUTHORITY SHALL NOTIFY THE INDIVIDUAL BY FIRST-CLASS MAIL IN A

1 SEALED ENVELOPE SENT TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS
2 SHOWN BY THE RECORDS OF THE LICENSING AUTHORITY THAT HIS OR HER
3 LICENSE HAS BEEN REINSTATED. THE NOTICE SHALL BE SENT WITHIN 7 DAYS
4 AFTER THE LICENSE IS REINSTATED BY THE LICENSING AUTHORITY. A
5 LICENSING AUTHORITY MAY CHARGE A FEE OF NOT MORE THAN \$20.00 FOR
6 THE REINSTATEMENT OF A REVOKED OR SUSPENDED LICENSE. THE CLERK
7 SHALL COLLECT ANY REINSTATEMENT FEE PAID UNDER THIS SUBSECTION FOR
8 DEPOSIT IN THE CONCEALED PISTOL LICENSING FUND, DIVIDED EQUALLY
9 BETWEEN THE ACCOUNT OF THE LICENSING AUTHORITY AND THE CLERK.

10 (8) ~~(6) If the concealed weapon licensing board~~ LICENSING
11 AUTHORITY orders a license suspended, ~~or~~ revoked, OR REINSTATED
12 under this section or amends a suspension, ~~or~~ revocation, OR
13 REINSTATEMENT order, the ~~concealed weapon licensing board~~ LICENSING
14 AUTHORITY shall immediately notify a law enforcement agency having
15 jurisdiction in the county in which the ~~concealed weapon licensing~~
16 ~~board~~ LICENSING AUTHORITY is located to enter the order or amended
17 order into the law enforcement information network. A law
18 enforcement agency that receives notice of an order or amended
19 order under this subsection from a ~~concealed weapon licensing board~~
20 LICENSING AUTHORITY shall immediately enter the order or amended
21 order into the law enforcement information network as requested by
22 that ~~concealed weapon licensing board~~ LICENSING AUTHORITY.

23 (9) ~~(7)~~ A suspension or revocation order or amended order
24 issued under this section is immediately effective. However, an
25 individual is not criminally liable for violating the order or
26 amended order unless he or she has received notice of the order or
27 amended order.

1 (10) ~~(8)~~—If an individual is carrying a pistol in violation of
2 a suspension or revocation order or amended order issued under this
3 section but has not previously received notice of the order or
4 amended order, the individual shall be informed of the order or
5 amended order and be given an opportunity to properly store the
6 pistol or otherwise comply with the order or amended order before
7 an arrest is made for carrying the pistol in violation of this act.

8 (11) ~~(9)~~—If a law enforcement agency or officer notifies an
9 individual of a suspension or revocation order or amended order
10 issued under this section who has not previously received notice of
11 the order or amended order, the law enforcement agency or officer
12 shall enter a statement into the law enforcement information
13 network that the individual has received notice of the order or
14 amended order under this section.

15 (12) ~~(10)~~—The clerk of the ~~concealed weapon licensing board~~
16 **LICENSING AUTHORITY** is authorized to administer an oath to any
17 individual testifying before the ~~board~~ **LICENSING AUTHORITY** at a
18 hearing under this section.

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