

HOUSE BILL No. 5460

March 8, 2012, Introduced by Reps. Santana, Opsommer, Hammel, Agema and Knollenberg
and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

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

by amending section 5b (MCL 28.425b), as amended by 2008 PA 406.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
2 an individual shall apply to the concealed weapon licensing board
3 in the county in which that individual resides. The application

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

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

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

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

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

8 (d) A statement by the applicant regarding whether he or she
9 has a history of mental illness that would disqualify him or her
10 under subsection (7)(j) to (l) from receiving a license to carry a
11 concealed pistol, and authorizing the concealed weapon licensing
12 board to access the mental health records of the applicant relating
13 to his or her mental health history. The applicant may request that
14 information received by the concealed weapon licensing board under
15 this subdivision be reviewed in a closed session. If the applicant
16 requests that the session be closed, the concealed weapon licensing
17 board shall close the session only for purposes of this
18 subdivision. The applicant and his or her representative have the
19 right to be present in the closed session. Medical records and
20 personal identifying information received by the concealed weapon
21 licensing board under this subdivision is confidential, is not
22 subject to disclosure under the freedom of information act, 1976 PA
23 442, MCL 15.231 to 15.246, and shall not be disclosed to any person
24 except for purposes of this act or for law enforcement purposes.

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

1 (i) Any felony.

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

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

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

9 (h) The names, residential addresses, and telephone numbers of
10 2 individuals who are references for the applicant. Information
11 received under this subdivision is confidential, is not subject to
12 disclosure under the freedom of information act, 1976 PA 442, MCL
13 15.231 to 15.246, and shall not be disclosed to any person except
14 for purposes of this act or for law enforcement purposes.

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

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

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

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

1 (4) The concealed weapon licensing board shall retain a copy
2 of each application for a license to carry a concealed pistol as an
3 official record. One year after the expiration of a concealed
4 pistol license, the county clerk may destroy the record and
5 maintain only a name index of the record.

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

25 (6) The county sheriff, on behalf of the concealed weapon
26 licensing board, shall verify the requirements of subsection
27 (7) (d), (e), (f), (h), (i), (j), (k), (l), and (m) through the law

1 enforcement information network and report his or her finding to
2 the concealed weapon licensing board. If the applicant resides in a
3 city, village, or township that has a police department, the
4 concealed weapon licensing board shall contact that city, village,
5 or township police department to determine only whether that city,
6 village, or township police department has any information relevant
7 to the investigation of whether the applicant is eligible under
8 this act to receive a license to carry a concealed pistol. The
9 concealed weapon licensing board may require a person claiming
10 active duty status with the United States armed forces under this
11 section to provide proof of 1 or both of the following:

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

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

14 (7) The concealed weapon licensing board shall issue a license
15 to an applicant to carry a concealed pistol within the period
16 required under this act after the applicant properly submits an
17 application under subsection (1) and the concealed weapon licensing
18 board determines that all of the following circumstances exist:

19 (a) The applicant is 21 years of age or older, **OR IS 18 YEARS**
20 **OF AGE OR OLDER AND IS A MEMBER OF THE ARMED FORCES OF THE UNITED**
21 **STATES, OR THE ARMY NATIONAL GUARD OF THIS STATE OR ANOTHER STATE.**
22 **AS USED IN THIS SUBDIVISION, "ARMED FORCES OF THE UNITED STATES"**
23 **MEANS THE UNITED STATES ARMY, AIR FORCE, NAVY, COAST GUARD, AND**
24 **MARINE CORPS, INCLUDING THEIR RESERVE COMPONENTS.**

25 (b) The applicant is a citizen of the United States or is an
26 alien lawfully admitted into the United States, is a legal resident
27 of this state, and has resided in this state for not less than the

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

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

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

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

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

1 armed forces and is permanently stationed in this state, but the
2 person's home of record is in another state.

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

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

12 (i) Section 464a of the mental health code, 1974 PA 258, MCL
13 330.1464a.

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

16 (iii) Sections 2950 and 2950a of the revised judicature act of
17 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

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

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

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

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

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

20 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL
21 257.626 (reckless driving).

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

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

1 prior conviction).

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

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

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

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

21 (xi) Section 80176 of the natural resources and environmental
22 protection act, 1994 PA 451, MCL 324.80176, and punishable under
23 section 80177(1)(b) (operating vessel under the influence of
24 intoxicating liquor or a controlled substance, second ~~or subsequent~~
25 offense).

26 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
27 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE

1 **ANALOGUE, OR PRESCRIPTION FORM).**

2 (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,
3 MCL 462.353, ~~(operating locomotive under the influence of~~
4 ~~intoxicating liquor or a controlled substance, or while visibly~~
5 ~~impaired),~~ punishable under subsection (4) of that section

6 **(OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR**
7 **A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE).**

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

10 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
11 750.81 (assault or domestic assault).

12 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA
13 328, MCL 750.81a (aggravated assault or aggravated domestic
14 assault).

15 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
16 750.115 (breaking and entering or entering without breaking).

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

19 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
20 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
21 ~~purposes).~~

22 **(xix)** ~~(xx)~~ Section 145n of the Michigan penal code, 1931 PA
23 328, MCL 750.145n (vulnerable adult abuse).

24 **(xx)** ~~(xvi)~~ Section 157b(3)(b) of the Michigan penal code, 1931
25 PA 328, MCL 750.157b (solicitation to commit a felony).

26 **(xxi)** ~~(xvii)~~ Section 215 of the Michigan penal code, 1931 PA 328,
27 MCL 750.215 (impersonating peace officer or medical examiner).

- 1 **(xxii)** ~~(xxiii)~~—Section 223 of the Michigan penal code, 1931 PA
2 328, MCL 750.223 (illegal sale of a firearm or ammunition).
- 3 **(xxiii)** ~~(xxiv)~~—Section 224d of the Michigan penal code, 1931 PA
4 328, MCL 750.224d (illegal use or sale of a self-defense spray).
- 5 **(xiv)** ~~(xv)~~—Section 226a of the Michigan penal code, 1931 PA
6 328, MCL 750.226a (sale or possession of a switchblade).
- 7 **(xxv)** ~~(xxvi)~~—Section 227c of the Michigan penal code, 1931 PA
8 328, MCL 750.227c (improper transportation of a loaded firearm).
- 9 **(xxvi)** ~~(xxvii)~~—Section 228 of the Michigan penal code, 1931 PA
10 328, MCL 750.228 (failure to have a pistol inspected).
- 11 **(xxvii)** ~~(xxviii)~~—Section 229 of the Michigan penal code, 1931 PA
12 328, MCL 750.229 (accepting a pistol in pawn).
- 13 **(xxviii)** ~~(xxix)~~—Section 232 of the Michigan penal code, 1931 PA
14 328, MCL 750.232 (failure to register the purchase of a firearm or
15 a firearm component).
- 16 **(xxix)** ~~(xxx)~~—Section 232a of the Michigan penal code, 1931 PA
17 328, MCL 750.232a (improperly obtaining a pistol, making a false
18 statement on an application to purchase a pistol, or using false
19 identification to purchase a pistol).
- 20 **(xxx)** ~~(xxxi)~~—Section 233 of the Michigan penal code, 1931 PA
21 328, MCL 750.233 (intentionally aiming a firearm without malice).
- 22 **(xxxi)** ~~(xxxii)~~—Section 234 of the Michigan penal code, 1931 PA
23 328, MCL 750.234 (intentionally discharging a firearm aimed without
24 malice).
- 25 **(xxxii)** ~~(xxxiii)~~—Section 234d of the Michigan penal code, 1931 PA
26 328, MCL 750.234d (possessing a firearm on prohibited premises).
- 27 **(xxxiii)** ~~(xxxiv)~~—Section 234e of the Michigan penal code, 1931 PA

1 328, MCL 750.234e (brandishing a firearm in public).

2 ~~(xxxiv) (xxxv)~~—Section 234f of the Michigan penal code, 1931 PA
3 328, MCL 750.234f (possession of a firearm by an individual less
4 than 18 years of age).

5 ~~(xxxv) (xxxvi)~~—Section 235 of the Michigan penal code, 1931 PA
6 328, MCL 750.235 (intentionally discharging a firearm aimed without
7 malice causing injury).

8 ~~(xxxvi) (xxxvii)~~—Section 235a of the Michigan penal code, 1931 PA
9 328, MCL 750.235a (parent of a minor who possessed a firearm in a
10 weapon free school zone).

11 ~~(xxxvii) (xxxviii)~~—Section 236 of the Michigan penal code, 1931 PA
12 328, MCL 750.236 (setting a spring gun or other device).

13 ~~(xxxviii) (xxxix)~~—Section 237 of the Michigan penal code, 1931 PA
14 328, MCL 750.237 (possessing a firearm while under the influence of
15 intoxicating liquor or a ~~drug~~). **CONTROLLED SUBSTANCE**).

16 ~~(xxxix) (xl)~~—Section 237a of the Michigan penal code, 1931 PA
17 328, MCL 750.237a (weapon free school zone violation).

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

20 ~~(xli) (xlii)~~—Section 411h of the Michigan penal code, 1931 PA
21 328, MCL 750.411h (stalking).

22 ~~(xlii) (xliii)~~—Section 520e of the Michigan penal code, 1931 PA
23 328, MCL 750.520e (fourth degree criminal sexual conduct).

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

27 ~~(xliv) (xlv)~~—Section 2 of 1952 PA 45, MCL 752.862 (careless,

1 reckless, or negligent use of a firearm resulting in property
2 damage).

3 **(xlv)** ~~(xlv)~~—Section ~~3a-3~~ 3 of 1952 PA 45, MCL 752.863a (reckless
4 discharge of a firearm).

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

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

13 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
14 257.625 (operating under the influence).

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

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

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

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

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

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

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

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

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

12 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
13 462.353, ~~(operating locomotive under the influence)~~, punishable
14 under subsection (3) of that section (**OPERATING LOCOMOTIVE UNDER**
15 **THE INFLUENCE**).

16 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
17 750.167 (disorderly person).

18 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
19 750.174 (embezzlement).

20 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
21 750.218 (false pretenses with intent to defraud).

22 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
23 750.356 (larceny).

24 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
25 750.356d (second degree retail fraud).

26 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
27 750.359 (larceny —**FROM A vacant building OR STRUCTURE**).

1 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
2 750.362 (larceny by conversion).

3 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
4 750.362a (larceny-defrauding lessor).

5 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL
6 750.377a (malicious destruction of property).

7 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
8 750.380 (malicious destruction of real property).

9 (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL
10 750.535 (receiving **OR CONCEALING** stolen property).

11 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,
12 MCL 750.540e (malicious use of ~~telephones~~). **TELECOMMUNICATIONS**
13 **SERVICE OR DEVICE**).

14 (xxiv) A violation of a law of the United States, another
15 state, or a local unit of government of this state or another state
16 substantially corresponding to a violation described in
17 subparagraphs (i) to (xiii).

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

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

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

27 (m) The applicant is not under a court order of legal

1 incapacity in this state or elsewhere.

2 (n) Issuing a license to the applicant to carry a concealed
3 pistol in this state is not detrimental to the safety of the
4 applicant or to any other individual. A determination under this
5 subdivision shall be based on clear and convincing evidence of
6 repeated violations of this act, crimes, personal protection orders
7 or injunctions, or police reports or other clear and convincing
8 evidence of the actions of, or statements of, the applicant that
9 bear directly on the applicant's ability to carry a concealed
10 pistol.

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

22 (9) An individual, after submitting an application and paying
23 the fee prescribed under subsection (5), shall request and have
24 classifiable fingerprints taken by the county sheriff or a local
25 police agency if that local police agency maintains fingerprinting
26 capability. If the individual requests that classifiable
27 fingerprints be taken by a local police agency, the individual

1 shall also pay to that local police agency a fee of \$15.00 by any
2 method of payment accepted by the unit of local government for
3 payments of other fees and penalties. The county sheriff or local
4 police agency shall take the fingerprints within 5 business days
5 after the request.

6 (10) The fingerprints shall be taken, under subsection (9), on
7 forms and in a manner prescribed by the department of state police.
8 The fingerprints shall be immediately forwarded to the department
9 of state police for comparison with fingerprints already on file
10 with the department of state police. The department of state police
11 shall forward the fingerprints to the federal bureau of
12 investigation. Within 10 days after receiving a report of the
13 fingerprints from the federal bureau of investigation, the
14 department of state police shall provide a copy to the submitting
15 sheriff's department or local police agency as appropriate and the
16 clerk of the appropriate concealed weapon licensing board. Except
17 as provided in subsection (14), the concealed weapon licensing
18 board shall not issue a concealed pistol license until it receives
19 the fingerprint comparison report prescribed in this subsection.
20 The concealed weapon licensing board may deny a license if an
21 individual's fingerprints are not classifiable by the federal
22 bureau of investigation.

23 (11) The concealed weapon licensing board shall deny a license
24 to an applicant to carry a concealed pistol if the applicant is not
25 qualified under subsection (7) to receive that license.

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

1 is void from the date the license is issued.

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

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

12 (i) A statement of the specific and articulable facts
13 supporting the denial.

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

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

18 (14) If the fingerprint comparison report is not received by
19 the concealed weapon licensing board within 60 days after the
20 fingerprint report is forwarded to the department of state police
21 by the federal bureau of investigation, the concealed weapon
22 licensing board shall issue a temporary license to carry a
23 concealed pistol to the applicant if the applicant is otherwise
24 qualified for a license. A temporary license issued under this
25 section is valid for 180 days or until the concealed weapon
26 licensing board receives the fingerprint comparison report provided
27 under subsection (10) and issues or denies issuance of a license to

1 carry a concealed pistol as otherwise provided under this act. Upon
2 issuance or the denial of issuance of the license to carry a
3 concealed pistol to an applicant who received a temporary license
4 under this section, the applicant shall immediately surrender the
5 temporary license to the concealed weapon licensing board that
6 issued that temporary license.

7 (15) If an individual licensed under this act to carry a
8 concealed pistol moves to a different county within this state, his
9 or her license remains valid until it expires or is otherwise
10 suspended or revoked under this act. A license to carry a concealed
11 pistol that is lost, stolen, or defaced may be replaced by the
12 issuing county clerk for a replacement fee of \$10.00.

13 (16) If a concealed weapons licensing board suspends or
14 revokes a license issued under this act, the license is forfeited
15 and shall be returned to the concealed weapon licensing board
16 forthwith. An individual who fails to return a license as required
17 under this subsection after he or she was notified that his or her
18 license was suspended or revoked is guilty of a misdemeanor
19 punishable by imprisonment for not more than 93 days or a fine of
20 not more than \$500.00, or both.

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

25 (18) This section does not prohibit the concealed weapon
26 licensing board from making public and distributing to the public
27 at no cost lists of individuals who are certified as qualified

1 instructors as prescribed under section 5j.

2 (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.