

**SUBSTITUTE FOR
SENATE BILL NO. 584**

A bill to amend 1927 PA 372, entitled

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

by amending sections 5a, 5b, 5d, and 5o (MCL 28.425a, 28.425b, 28.425d, and 28.425o), sections 5a, 5b, and 5o as amended by 2017 PA 95 and section 5d as amended by 2015 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) A license to carry a concealed pistol issued by a
2 concealed weapon licensing board before December 1, 2015 is valid

1 and remains in effect until the expiration of that license or as
2 otherwise provided by law.

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

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

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

7 (c) Issuing notices of statutory disqualification, notices of
8 suspensions, and notices of revocations.

9 (3) The department of state police shall verify under section
10 5b(6) whether an applicant for a license to carry a concealed
11 pistol is eligible to receive a license to carry a concealed
12 pistol.

13 (4) A county clerk shall issue an emergency license to carry a
14 concealed pistol to an individual if the individual has obtained a
15 personal protection order issued under section 2950 or 2950a of the
16 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
17 600.2950a, or to that individual if a county sheriff determines
18 that there is clear and convincing evidence to believe the safety
19 of the individual or the safety of a member of the individual's
20 family or household is endangered by the individual's inability to
21 immediately obtain a license to carry a concealed pistol. Clear and
22 convincing evidence includes, but is not limited to, an application
23 for a personal protection order, police reports and other law
24 enforcement records, or written, audio, or visual evidence of
25 threats to the individual or member of the individual's family or
26 household. A county clerk shall only issue an emergency license to
27 carry a concealed pistol to an individual who has obtained a

1 personal protection order if the individual is eligible under
2 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
3 a license based on a criminal record check through the law
4 enforcement information network conducted by the department of
5 state police. The county sheriff shall only issue a determination
6 under this subsection to an individual who is eligible under
7 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
8 a license based on a criminal record check through the law
9 enforcement information network and only after the county sheriff
10 has taken the individual's fingerprints in compliance with section
11 5b(9). A county sheriff shall notify the county clerk if the county
12 sheriff determines that an individual is not eligible under section
13 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a
14 license. An emergency license must be on a form provided by the
15 department of state police. An individual who applies for an
16 emergency license shall, within 10 business days after applying for
17 an emergency license, complete a pistol training course under
18 section 5j and apply for a license under section 5b. If an
19 individual who applies for an emergency license does not complete a
20 pistol training course under section 5j and apply for a license
21 under section 5b within 10 business days after applying for an
22 emergency license, that individual's emergency license is no longer
23 valid. A county sheriff who makes a determination under this
24 section, performs a criminal record check, and takes the
25 applicant's fingerprints may charge a fee not to exceed \$15.00. A
26 county clerk may charge a fee not to exceed \$10.00 for printing an
27 emergency license. A county clerk shall deposit a fee collected by

1 the county clerk under this subsection in the concealed pistol
2 licensing fund of that county created in section 5x. Except as
3 otherwise provided in this subsection, an emergency license is
4 valid for 45 days or until the county clerk issues a notice of
5 statutory disqualification, whichever occurs first. Except as
6 otherwise provided in this act, an emergency license is, for all
7 other purposes of this act, a license to carry a concealed pistol.
8 The county clerk shall include an indication on the license if an
9 individual is exempt from the prohibitions against carrying a
10 concealed pistol on premises described in section 5o if the
11 applicant provides acceptable proof that he or she qualifies for
12 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**
13 **INDORSEMENT ON HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE**
14 **EXEMPTION UNDER SECTION 5o(5) (I)**. An individual shall not obtain
15 more than 1 emergency license in any 5-year period. If a county
16 clerk issues a notice of statutory disqualification to an applicant
17 who received an emergency license under this section, the applicant
18 shall immediately surrender the emergency license to the county
19 clerk by mail or in person if that emergency license has not
20 expired. An individual who fails to surrender a license as required
21 by this subsection after he or she is notified of a statutory
22 disqualification is guilty of a misdemeanor punishable by
23 imprisonment for not more than 93 days or a fine of not more than
24 \$500.00, or both.

25 (5) The legislative service bureau shall compile the firearms
26 laws of this state, including laws that apply to carrying a
27 concealed pistol, and shall provide copies of the compilation in an

1 electronic format to the department of state police. The department
2 of state police shall provide a copy of the compiled laws to each
3 county clerk in this state. The department of state police shall
4 also provide forms to appeal any notice of statutory
5 disqualification, or suspension or revocation of a license under
6 this act. The department of state police shall distribute copies of
7 the compilation and forms required under this subsection in an
8 electronic format to each county clerk. The county clerk shall
9 distribute a copy of the compilation and forms at no charge to each
10 individual who applies for a license to carry a concealed pistol at
11 the time the application is submitted. The county clerk may
12 distribute copies of the compilation and forms required under this
13 subsection in an electronic format. The county clerk shall require
14 the applicant to sign a written statement acknowledging that he or
15 she has received a copy of the compilation and forms provided under
16 this subsection. An individual is not eligible to receive a license
17 to carry a concealed pistol until he or she has signed the
18 statement.

19 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
20 an individual shall apply to the county clerk in the county in
21 which the individual resides. The applicant shall file the
22 application with the county clerk in the county in which the
23 applicant resides during the county clerk's normal business hours.
24 The application must be on a form provided by the director of the
25 department of state police and allow the applicant to designate
26 whether the applicant seeks an emergency license **AND WHETHER HE OR**
27 **SHE SEEKS AN EXEMPTION FROM THE PROHIBITION AGAINST CARRYING A**

1 **CONCEALED PISTOL ON THE PREMISES DESCRIBED IN SECTION 5o.** The
2 applicant shall sign the application under oath. The county clerk
3 or his or her representative shall administer the oath. An
4 application under this subsection is not considered complete until
5 an applicant submits all of the required information and fees and
6 has fingerprints taken under subsection (9). An application under
7 this subsection is considered withdrawn if an applicant does not
8 have fingerprints taken under subsection (9) within 45 days of the
9 date an application is filed under this subsection. A completed
10 application and all receipts issued under this section expire 1
11 year from the date of application. The county clerk shall issue the
12 applicant a receipt for his or her application at the time the
13 application is submitted containing the name of the applicant, the
14 applicant's state-issued driver license or personal identification
15 card number, the date and time the receipt is issued, the amount
16 paid, the name of the county in which the receipt is issued, an
17 impression of the county seal, and the statement, "This receipt was
18 issued for the purpose of applying for a concealed pistol license
19 and for obtaining fingerprints related to that application. This
20 receipt does not authorize an individual to carry a concealed
21 pistol in this state.". The application must contain all of the
22 following:

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

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

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

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

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

11 (i) Any felony.

12 (ii) A misdemeanor listed under subsection (7)(h) if the
13 applicant was convicted of that misdemeanor in the 8 years
14 immediately preceding the date of the application, or a misdemeanor
15 listed under subsection (7)(i) if the applicant was convicted of
16 that misdemeanor in the 3 years immediately preceding the date of
17 the application.

18 (f) A statement by the applicant whether he or she has been
19 dishonorably discharged from the United States Armed Forces.

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

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

25 (2) The county clerk shall not require the applicant to submit
26 any additional forms, documents, letters, or other evidence of
27 eligibility for obtaining a license to carry a concealed pistol

1 except as set forth in subsection (1) or as otherwise provided for
2 in this act. The application form must contain a conspicuous
3 warning that the application is executed under oath and that
4 intentionally making a material false statement on the application
5 is a felony punishable by imprisonment for not more than 4 years or
6 a fine of not more than \$2,500.00, or both.

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

11 (4) The county clerk shall retain a copy of each application
12 for a license to carry a concealed pistol as an official record.
13 One year after the expiration of a concealed pistol license, the
14 county clerk may destroy the record and a name index of the record
15 shall be maintained in the database created in section 5e.

16 (5) Each applicant shall pay a nonrefundable application and
17 licensing fee of \$100.00 by any method of payment accepted by that
18 county for payments of other fees and penalties. Except as provided
19 in subsection (9), no other charge, fee, cost, or assessment,
20 including any local charge, fee, cost, or assessment, is required
21 of the applicant except as specifically authorized in this act. The
22 applicant shall pay the application and licensing fee to the
23 county. The county treasurer shall deposit \$26.00 of each
24 application and licensing fee collected under this section in the
25 concealed pistol licensing fund of that county created in section
26 5x. The county treasurer shall forward the balance remaining to the
27 state treasurer. The state treasurer shall deposit the balance of

1 the fee in the general fund to the credit of the department of
2 state police. The department of state police shall use the money
3 received under this act to process the fingerprints and to
4 reimburse the Federal Bureau of Investigation for the costs
5 associated with processing fingerprints submitted under this act.
6 The balance of the money received under this act must be credited
7 to the department of state police.

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

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

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

19 (b) The applicant is a citizen of the United States or is an
20 alien lawfully admitted into the United States, is a legal resident
21 of this state, and has resided in this state for not less than the
22 6 months immediately preceding the date of application. The county
23 clerk shall waive the 6-month residency requirement for an
24 emergency license under section 5a(4) if the applicant is a
25 petitioner for a personal protection order issued under section
26 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.2950 and 600.2950a, or if the county sheriff determines

1 that there is clear and convincing evidence to believe that the
2 safety of the applicant or the safety of a member of the
3 applicant's family or household is endangered by the applicant's
4 inability to immediately obtain a license to carry a concealed
5 pistol. If the applicant holds a valid concealed pistol license
6 issued by another state at the time the applicant's residency in
7 this state is established, the county clerk shall waive the 6-month
8 residency requirement and the applicant may apply for a concealed
9 pistol license at the time the applicant's residency in this state
10 is established. For the purposes of this section, an individual is
11 considered a legal resident of this state if any of the following
12 apply:

13 (i) The individual has a valid, lawfully obtained driver
14 license issued under the Michigan vehicle code, 1949 PA 300, MCL
15 257.1 to 257.923, or official state personal identification card
16 issued under 1972 PA 222, MCL 28.291 to 28.300.

17 (ii) The individual is lawfully registered to vote in this
18 state.

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

22 (iv) The individual is on active duty status with the United
23 States Armed Forces and is permanently stationed in this state, but
24 the individual's home of record is in another state.

25 (c) The applicant has knowledge and has had training in the
26 safe use and handling of a pistol by the successful completion of a
27 pistol safety training course or class that meets the requirements

1 of section 5j.

2 (d) Based solely on the report received from the department of
3 state police under subsection (6), the applicant is not the subject
4 of an order or disposition under any of the following:

5 (i) Section 464a of the mental health code, 1974 PA 258, MCL
6 330.1464a.

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

9 (iii) Sections 2950 and 2950a of the revised judicature act of
10 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

11 (iv) Section 6b of chapter V of the code of criminal
12 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
13 imposed under section 6b(3) of chapter V of the code of criminal
14 procedure, 1927 PA 175, MCL 765.6b.

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

17 (e) Based solely on the report received from the department of
18 state police under subsection (6), the applicant is not prohibited
19 from possessing, using, transporting, selling, purchasing,
20 carrying, shipping, receiving, or distributing a firearm under
21 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

22 (f) Based solely on the report received from the department of
23 state police under subsection (6), the applicant has never been
24 convicted of a felony in this state or elsewhere, and a felony
25 charge against the applicant is not pending in this state or
26 elsewhere at the time he or she applies for a license described in
27 this section.

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

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

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

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

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

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

1 bodily injury upon director or authorized representative).

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

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

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

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

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

1 (illegal use or sale of a self-defense spray), section 226a (sale
2 or possession of a switchblade), section 227c (improper
3 transportation of a loaded firearm), section 229 (accepting a
4 pistol in pawn), section 232a (improperly obtaining a pistol,
5 making a false statement on an application to purchase a pistol, or
6 using false identification to purchase a pistol), section 233
7 (intentionally aiming a firearm without malice), section 234
8 (intentionally discharging a firearm aimed without malice), section
9 234d (possessing a firearm on prohibited premises), section 234e
10 (brandishing a firearm in public), section 234f (possession of a
11 firearm by an individual less than 18 years of age), section 235
12 (intentionally discharging a firearm aimed without malice causing
13 injury), section 235a (parent of a minor who possessed a firearm in
14 a weapon free school zone), section 236 (setting a spring gun or
15 other device), section 237 (possessing a firearm while under the
16 influence of intoxicating liquor or a controlled substance),
17 section 237a (weapon free school zone violation), section 335a
18 (indecent exposure), section 411h (stalking), or section 520e
19 (fourth degree criminal sexual conduct) of the Michigan penal code,
20 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
21 750.157b, 750.215, 750.223, 750.224d, 750.226a, 750.227c, 750.229,
22 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
23 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
24 750.520e.

25 (x) Former section 228 of the Michigan penal code, 1931 PA
26 328.

27 (xi) Section 1 (reckless, careless, or negligent use of a

1 firearm resulting in injury or death), section 2 (careless,
2 reckless, or negligent use of a firearm resulting in property
3 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
4 45, MCL 752.861, 752.862, and 752.863a.

5 (xii) 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 (xi).

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

17 (i) Section 625 (operating under the influence), section 625a
18 (refusal of commercial vehicle operator to submit to a chemical
19 test), section 625k (ignition interlock device reporting
20 violation), section 625l (circumventing an ignition interlock
21 device), or section 625m punishable under subsection (3) of that
22 section (operating a commercial vehicle with alcohol content) of
23 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
24 257.625k, 257.625l, and 257.625m.

25 (ii) 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 (iii) Section 81134 (operating ORV under the influence or
2 operating ORV while visibly impaired), or section 82127 (operating
3 a snowmobile under the influence) of the natural resources and
4 environmental protection act, 1994 PA 451, MCL 324.81134 and
5 324.82127.

6 (iv) Part 74 of the public health code, 1978 PA 368, MCL
7 333.7401 to 333.7461 (controlled substance violation).

8 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
9 462.353, punishable under subsection (3) of that section (operating
10 locomotive under the influence).

11 (vi) Section 167 (disorderly person), section 174
12 (embezzlement), section 218 (false pretenses with intent to
13 defraud), section 356 (larceny), section 356d (second degree retail
14 fraud), section 359 (larceny from a vacant building or structure),
15 section 362 (larceny by conversion), section 362a (larceny -
16 defrauding lessor), section 377a (malicious destruction of
17 property), section 380 (malicious destruction of real property),
18 section 535 (receiving or concealing stolen property), or section
19 540e (malicious use of telecommunications service or device) of the
20 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
21 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
22 750.535, and 750.540e.

23 (vii) A violation of a law of the United States, another
24 state, or a local unit of government of this state or another state
25 substantially corresponding to a violation described in
26 subparagraphs (i) to (vi).

27 (j) Based solely on the report received from the department of

1 state police under subsection (6), the applicant has not been found
2 guilty but mentally ill of any crime and has not offered a plea of
3 not guilty of, or been acquitted of, any crime by reason of
4 insanity.

5 (k) Based solely on the report received from the department of
6 state police under subsection (6), the applicant is not currently
7 and has never been subject to an order of involuntary commitment in
8 an inpatient or outpatient setting due to mental illness.

9 (l) The applicant has filed a statement under subsection
10 (1)(d) that the applicant does not have a diagnosis of mental
11 illness that includes an assessment that the individual presents a
12 danger to himself or herself or to another at the time the
13 application is made, regardless of whether he or she is receiving
14 treatment for that illness.

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

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

20 (8) Upon entry of a court order or conviction of 1 of the
21 enumerated prohibitions for using, transporting, selling,
22 purchasing, carrying, shipping, receiving, or distributing a
23 firearm in this section the department of state police shall
24 immediately enter the order or conviction into the law enforcement
25 information network. For purposes of this act, information of the
26 court order or conviction must not be removed from the law
27 enforcement information network, but may be moved to a separate

1 file intended for the use of the department of state police, the
2 courts, and other government entities as necessary and exclusively
3 to determine eligibility to be licensed under this act.

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

1 agency, or other entity provides fingerprinting capability for the
2 purposes of this act. The entity providing fingerprinting services
3 shall issue the individual a receipt at the time his or her
4 fingerprints are taken. The county clerk, department of state
5 police, county sheriff, local police agency, or other entity shall
6 not provide a receipt under this subsection unless the individual
7 requesting the fingerprints provides an application receipt
8 received under subsection (1). A receipt under this subsection must
9 contain all of the following:

- 10 (a) The name of the individual.
- 11 (b) The date and time the receipt is issued.
- 12 (c) The amount paid.
- 13 (d) The name of the entity providing the fingerprint services.
- 14 (e) The individual's state-issued driver license or personal
15 identification card number.
- 16 (f) The statement "This receipt was issued for the purpose of
17 applying for a concealed pistol license. As provided in section 5b
18 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
19 disqualification is not issued within 45 days after the date this
20 receipt was issued, this receipt shall serve as a concealed pistol
21 license for the individual named in the receipt when carried with
22 an official state-issued driver license or personal identification
23 card. The receipt is valid as a license until a license or notice
24 of statutory disqualification is issued by the county clerk. This
25 receipt does not exempt the individual named in the receipt from
26 complying with all applicable laws for the purchase of firearms.".
- 27 (10) The fingerprints must be taken, under subsection (9), in

1 a manner prescribed by the department of state police. The county
2 clerk, county sheriff, local police agency, or other entity shall
3 immediately forward the fingerprints taken by that entity to the
4 department of state police for comparison with fingerprints already
5 on file with the department of state police. The department of
6 state police shall immediately forward the fingerprints to the
7 Federal Bureau of Investigation. Within 5 business days after
8 completing the verification under subsection (6), the department
9 shall send the county clerk a list of an individual's statutory
10 disqualifications under this act. Except as provided in section
11 5a(4), the county clerk shall not issue a concealed pistol license
12 until he or she receives the report of statutory disqualifications
13 prescribed in this subsection. If an individual's fingerprints are
14 not classifiable, the department of state police shall, at no
15 charge, take the individual's fingerprints again or provide for the
16 comparisons under this subsection to be conducted through
17 alternative means. The county clerk shall not issue a notice of
18 statutory disqualification because an individual's fingerprints are
19 not classifiable by the Federal Bureau of Investigation.

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

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

27 (13) Subject to subsection (10), the department of state

1 police shall complete the verification required under subsection
2 (6) and the county clerk shall issue a license or a notice of
3 statutory disqualification within 45 days after the date the
4 individual has classifiable fingerprints taken under subsection
5 (9). The county clerk shall include an indication on the license if
6 an individual is exempt from the prohibitions against carrying a
7 concealed pistol on premises described in section 5o if the
8 applicant provides acceptable proof that he or she qualifies for
9 that exemption **OR IF THE APPLICANT REQUESTS THE EXEMPTION**
10 **INDORSEMENT ON HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE**
11 **EXEMPTION UNDER SECTION 5o(5) (I)**. If the county clerk receives
12 notice from a county sheriff or chief law enforcement officer that
13 a licensee is no longer a member of a sheriff's posse, an auxiliary
14 officer, or a reserve officer, the county clerk shall notify the
15 licensee that he or she shall surrender the concealed pistol
16 license indicating that the individual is exempt from the
17 prohibitions against carrying a concealed pistol on premises
18 described in section 5o. The licensee shall, within 30 days after
19 receiving notice from the county clerk, surrender the license
20 indicating that the individual is exempt from the prohibitions
21 against carrying a concealed pistol on premises described in
22 section 5o and obtain a replacement license after paying the fee
23 required under subsection (15). If the county clerk issues a notice
24 of statutory disqualification, the county clerk shall within 5
25 business days do all of the following:

26 (a) Inform the individual in writing of the reasons for the
27 denial or disqualification. Information under this subdivision

1 ~~shall~~**MUST** include all of the following:

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

3 (ii) The source of the record for each statutory
4 disqualification identified.

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

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

10 (c) Inform the individual that he or she should contact the
11 source of the record for any statutory disqualification to correct
12 any errors in the record resulting in the statutory
13 disqualification.

14 (14) If a license or notice of statutory disqualification is
15 not issued under subsection (13) within 45 days after the date the
16 individual has classifiable fingerprints taken under subsection
17 (9), the receipt issued under subsection (9) serves as a concealed
18 pistol license for purposes of this act when carried with a state-
19 issued driver license or personal identification card and is valid
20 until a license or notice of statutory disqualification is issued
21 by the county clerk.

22 (15) If an individual licensed under this act to carry a
23 concealed pistol moves to a different county within this state, his
24 or her license remains valid until it expires or is otherwise
25 suspended or revoked under this act. An individual may notify a
26 county clerk that he or she has moved to a different address within
27 this state for the purpose of receiving the notice under section

1 5/(1). A license to carry a concealed pistol that is lost, stolen,
2 defaced, or replaced for any other reason may be replaced by the
3 issuing county clerk for a replacement fee of \$10.00. A county
4 clerk shall deposit a replacement fee under this subsection in the
5 concealed pistol licensing fund of that county created in section
6 5x.

7 (16) If a license issued under this act is suspended or
8 revoked, the license is forfeited and the individual shall return
9 the license to the county clerk forthwith by mail or in person. The
10 county clerk shall retain a suspended or revoked license as an
11 official record 1 year after the expiration of the license, unless
12 the license is reinstated or a new license is issued. The county
13 clerk shall notify the department of state police if a license is
14 suspended or revoked. The department of state police shall enter
15 that suspension or revocation into the law enforcement information
16 network. 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 not to exceed \$1.00. The county clerk shall deposit
25 any fee collected under this subsection in the concealed pistol
26 licensing fund of that county created in section 5x.

27 (18) This section does not prohibit the county clerk from

1 making public and distributing to the public at no cost lists of
2 individuals who are certified as qualified instructors as
3 prescribed under section 5j.

4 (19) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION
5 FROM SECTION 5o AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL
6 OR RENEWAL LICENSE UNDER THIS ACT IS NOT REQUIRED TO PAY ANY
7 ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO
8 APPLIES FOR AN EXEMPTION FROM SECTION 5o AT A TIME OTHER THAN AT
9 THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE
10 UNDER THIS ACT MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN \$20.00
11 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE EXEMPTION
12 AND ISSUING A REPLACEMENT LICENSE. THE EXEMPTION MUST APPEAR AS AN
13 INDORSEMENT ON THE FACE OF THE LICENSE. THE COUNTY CLERK SHALL
14 DEPOSIT THE FEE COLLECTED UNDER THIS SUBSECTION IN THE CONCEALED
15 PISTOL LICENSING FUND OF THAT COUNTY CREATED UNDER SECTION 5X.

16 (20) ~~(19)~~—A county clerk issuing an initial license or renewal
17 license under this act shall mail the license to the licensee by
18 first-class mail in a sealed envelope. Upon payment of the fee
19 under subsection (15), a county clerk shall issue a replacement
20 license in person at the time of application for a replacement
21 license. A county clerk may also deliver a replacement license by
22 first-class mail if the individual submits to the clerk a written
23 request and a copy of the individual's state-issued driver license
24 or personal identification card.

25 (21) ~~(20)~~—A county clerk, county sheriff, county prosecuting
26 attorney, police department, or the department of state police is
27 not liable for civil damages as a result of issuing a license under

1 this act to an individual who later commits a crime or a negligent
2 act.

3 (22) ~~(21)~~—An individual licensed under this act to carry a
4 concealed pistol may voluntarily surrender that license without
5 explanation. A county clerk shall retain a surrendered license as
6 an official record for 1 year after the license is surrendered. If
7 an individual voluntarily surrenders a license under this
8 subsection, the county clerk shall notify the department of state
9 police. The department of state police shall enter into the law
10 enforcement information network that the license was voluntarily
11 surrendered and the date the license was voluntarily surrendered.

12 (23) ~~(22)~~—As used in this section:

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

14 (i) For a retired police officer or retired law enforcement
15 officer, the officer's retired identification or a letter from a
16 law enforcement agency stating that the retired police officer or
17 law enforcement officer retired in good standing.

18 (ii) For an individual who is employed or contracted by an
19 entity described under section 50(1) to provide security services,
20 a letter from that entity stating that the employee is required by
21 his or her employer or the terms of a contract to carry a concealed
22 firearm on the premises of the employing or contracting entity and
23 his or her employee identification.

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

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

5 (v) For an individual who is a retired corrections officer of
6 a county sheriff's department, a letter from the county sheriff's
7 office stating that the retired corrections officer retired in good
8 standing and that the individual has received county sheriff
9 approved weapons training.

10 (vi) For an individual who is a motor carrier officer or
11 capitol security officer of the department of state police, his or
12 her employee identification.

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

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

18 (ix) For an individual who is a parole, probation, or
19 corrections officer, or absconder recovery unit member, of the
20 department of corrections, his or her employee identification and
21 proof that the individual obtained a Michigan department of
22 corrections weapons permit.

23 (x) For an individual who is a retired parole, probation, or
24 corrections officer, or retired absconder recovery unit member, of
25 the department of corrections, a letter from the department of
26 corrections stating that the retired parole, probation, or
27 corrections officer, or retired absconder recovery unit member,

1 retired in good standing and proof that the individual obtained a
2 Michigan department of corrections weapons permit.

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

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

8 (xiii) For a retired federal law enforcement officer, the
9 identification required under the law enforcement officers safety
10 act or a letter from a law enforcement agency stating that the
11 retired federal law enforcement officer retired in good standing.

12 (xiv) For an individual who is a peace officer, his or her
13 employee identification.

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

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

27 (d) "Mental illness" means a substantial disorder of thought

1 or mood that significantly impairs judgment, behavior, capacity to
2 recognize reality, or ability to cope with the ordinary demands of
3 life, and includes, but is not limited to, clinical depression.

4 (e) "Misdemeanor" means a violation of a penal law of this
5 state or violation of a local ordinance substantially corresponding
6 to a violation of a penal law of this state that is not a felony or
7 a violation of an order, rule, or regulation of a state agency that
8 is punishable by imprisonment or a fine that is not a civil fine,
9 or both.

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

13 Sec. 5d. (1) If the county clerk issues a notice of statutory
14 disqualification, fails to provide a receipt that complies with
15 section 5b(1) or 5/(3), **FAILS TO PROVIDE AN EXEMPTION FROM THE**
16 **PROHIBITIONS SET FORTH IN SECTION 5o**, or fails to issue a license
17 to carry a concealed pistol as provided in this act, the department
18 of state police fails to provide a receipt that complies with
19 section 5/(3), or the county clerk, department of state police,
20 county sheriff, local police agency, or other entity fails to
21 provide a receipt that complies with section 5b(9), the applicant
22 may appeal the notice of statutory disqualification, the failure to
23 provide a receipt, **FAILURE TO PROVIDE AN EXEMPTION**, or the failure
24 to issue the license to the circuit court in the judicial circuit
25 in which he or she resides. The appeal of the notice of statutory
26 disqualification, failure to provide a receipt, **FAILURE TO PROVIDE**
27 **AN EXEMPTION**, or failure to issue a license shall ~~shall~~ **MUST** be

1 determined by a review of the record for error.

2 (2) If the court determines that the notice of statutory
3 disqualification, failure to provide a receipt that complies with
4 section 5b(1) or (9) or 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or
5 failure to issue a license was clearly erroneous or was arbitrary
6 and capricious, the court shall order the county clerk to issue a
7 license or receipt as required by this act. ~~For applications~~
8 ~~submitted after November 30, 2015, if~~ **IF** the court determines that
9 the notice of statutory disqualification, failure to provide a
10 receipt that complies with section 5b(1) or (9) or 5/(3), **FAILURE**
11 **TO PROVIDE AN EXEMPTION**, or failure to issue a license was clearly
12 erroneous, the court may order an entity to refund any filing fees
13 the applicant incurred in filing the appeal, according to the
14 degree of responsibility of that entity.

15 (3) ~~For applications submitted before December 1, 2015, if the~~
16 ~~court determines that the decision of the concealed weapon~~
17 ~~licensing board to deny issuance of a license to an applicant was~~
18 ~~arbitrary and capricious, the court shall order this state to pay~~
19 ~~1/3 and the county in which the concealed weapon licensing board is~~
20 ~~located to pay 2/3 of the actual costs and actual attorney fees of~~
21 ~~the applicant in appealing the denial. For applications submitted~~
22 ~~on or after December 1, 2015, if~~ **IF** the court under subsection (2)
23 determines that the notice of statutory disqualification, failure
24 to provide a receipt that complies with section 5b(1) or (9) or
25 5/(3), **FAILURE TO PROVIDE AN EXEMPTION**, or failure to issue a
26 license to an applicant was arbitrary and capricious, the court
27 shall order the county clerk, the entity taking the fingerprints,

1 or the state to pay the actual costs and actual attorney fees of
2 the applicant in appealing the notice of statutory
3 disqualification, failure to provide a receipt that complies with
4 section 5b(1) or (9) or 5l(3), **FAILURE TO PROVIDE AN EXEMPTION**, or
5 failure to issue a license, according to the degree of
6 responsibility of the county clerk, the entity taking the
7 fingerprints, or the state.

8 (4) If the court determines that an applicant's appeal was
9 frivolous, the court shall order the applicant to pay the actual
10 costs and actual attorney fees of the county clerk, entity taking
11 the fingerprints, or the state in responding to the appeal.

12 Sec. 50. (1) Subject to subsection (5), an individual licensed
13 under this act to carry a concealed pistol, or who is exempt from
14 licensure under section 12a(h), shall not carry a concealed pistol
15 on the premises of any of the following:

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

23 (b) A public or private child care center or day care center,
24 public or private child caring institution, or public or private
25 child placing agency.

26 (c) A sports arena or stadium.

27 (d) A bar or tavern licensed under the Michigan liquor control

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1 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
2 primary source of income of the business is the sale of alcoholic
3 liquor by the glass and consumed on the premises. This subdivision
4 does not apply to an owner or employee of the business. The
5 Michigan liquor control commission shall develop and make available
6 to holders of licenses under the Michigan liquor control code of
7 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
8 stating that "This establishment prohibits patrons from carrying
9 concealed weapons". The owner or operator of an establishment
10 licensed under the Michigan liquor control code of 1998, 1998 PA
11 58, MCL 436.1101 to 436.2303, may post the sign developed under
12 this subdivision.

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

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

23 (g) A hospital.

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

<<(I) ANY PROPERTY OWNED BY A PUBLIC AIRPORT AUTHORITY.>>

26 (2) Subject to subsection (5), an individual shall not carry a
27 portable device that uses electro-muscular disruption technology on

1 any of the premises described in subsection (1).

2 (3) An individual licensed under this act to carry a concealed
3 pistol, or who is exempt from licensure under section 12a(h), shall
4 not carry a concealed pistol in violation of R 432.1212 of the
5 Michigan Administrative Code promulgated under the Michigan gaming
6 control and revenue act, 1996 IL 1, MCL 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, retired law enforcement officer, or retired federal
13 law enforcement officer.

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

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

22 (d) An individual who is licensed under this act and who is a
23 corrections officer of a county sheriff's department or who is
24 licensed under this act and is a retired corrections officer of a
25 county sheriff's department, if that individual has received county
26 sheriff approved weapons training.

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
9 any of the following:

10 (i) A parole, probation, or corrections officer, or absconder
11 recovery unit member, of the department of corrections, if that
12 individual has obtained a Michigan department of corrections
13 weapons permit.

14 (ii) A retired parole, probation, or corrections officer, or
15 retired absconder recovery unit member, of the department of
16 corrections, if that individual has obtained a Michigan department
17 of corrections weapons permit.

18 (i) A state court judge or state court retired judge who is
19 licensed under this act.

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

22 (k) An individual who is licensed under this act and who is a
23 peace officer.

24 **(l) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**
25 **FROM SUBSECTIONS (1) AND (2) BY THE COUNTY CLERK. AN INDIVIDUAL IS**
26 **ELIGIBLE FOR AN EXEMPTION FROM SUBSECTIONS (1) AND (2) ONLY IF THE**
27 **INDIVIDUAL REQUESTS AN EXEMPTION ON HIS OR HER LICENSE APPLICATION**

1 AND 1 OR MORE OF THE FOLLOWING APPLY:

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

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

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

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

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

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

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

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

1 INDIVIDUAL IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SUBPARAGRAPH IF
2 THE INDIVIDUAL POSSESSES A CERTIFICATE AS A FIREARMS INSTRUCTOR
3 ISSUED BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING
4 ORGANIZATION THAT MEETS THE REQUIREMENTS OF SECTION 5J.

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

23 (7) THE COUNTY CLERK SHALL WITHIN 10 DAYS AFTER RECEIVING AN
24 APPLICATION FOR AN EXEMPTION, EITHER ISSUE OR DENY ISSUANCE OF THE
25 EXEMPTION AND SEND BY FIRST-CLASS MAIL IN A SEALED ENVELOPE A
26 REPLACEMENT LICENSE TO THE APPLICANT WITH THE EXEMPTION INDORSEMENT
27 OR, IF THE EXEMPTION IS DENIED, A NOTICE OF DENIAL. IF THE

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1 EXEMPTION IS DENIED, THE NOTICE OF DENIAL MUST SPECIFICALLY STATE
2 THE STATUTORY AUTHORITY FOR THE DENIAL. NOTHING IN THIS SUBSECTION
3 PROHIBITS THE CLERK FROM MAKING A DETERMINATION REGARDING THE
4 EXEMPTION AT THE TIME THE APPLICATION IS SUBMITTED AND IMMEDIATELY
5 EITHER ISSUING A REPLACEMENT LICENSE TO THE APPLICANT THAT CONTAINS
6 THE EXEMPTION INDORSEMENT OR DENYING THE EXEMPTION AND IMMEDIATELY
7 PROVIDING THE WRITTEN NOTICE OF THE DENIAL, INCLUDING THE STATEMENT
8 OF THE STATUTORY AUTHORITY FOR THE DENIAL, TO THE APPLICANT.

9 (8) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A
10 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION
11 UNDER SUBSECTION (5) (I), THE APPLICANT SHALL SURRENDER HIS OR HER
12 LICENSE TO THE COUNTY CLERK BY MAIL OR IN PERSON IMMEDIATELY UPON
13 RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE EXEMPTION
14 INDORSEMENT.

15 (9) <<EXCEPT FOR PRIVATE PROPERTY LEASED OR OCCUPIED BY A PUBLIC
ENTITY DESCRIBED UNDER SUBSECTION (1) (A), NOTHING>> IN THIS SECTION
PROHIBITS A PRIVATE PROPERTY OWNER
16 FROM PROHIBITING AN INDIVIDUAL FROM CARRYING A PISTOL, INCLUDING A
17 PISTOL THAT IS OPENLY DISPLAYED OR CARRIED IN VIOLATION OF
18 SUBSECTION (11), ON THE PREMISES OF PROPERTY DESCRIBED IN
19 SUBSECTION (1), AND ENFORCING THAT PROHIBITION UNDER SECTION 552 OF
20 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.552.

21 (10) NOTHING IN THIS SECTION PROHIBITS A COLLEGE OR UNIVERSITY
22 THAT HAS THE AUTONOMOUS AUTHORITY UNDER THE STATE CONSTITUTION OF
23 1963 TO ENACT AND ENFORCE AN ORDINANCE REGULATING THE POSSESSION,
24 CARRYING, USE, OR TRANSPORTATION OF A PISTOL FROM ENACTING OR
25 ENFORCING SUCH AN ORDINANCE.

26 (11) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
27 CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION

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1 12A(H), SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL ON
2 THE PREMISES LISTED IN SUBSECTION (1) (A) TO <<(I)>> UNLESS 1 OF THE
3 FOLLOWING APPLIES:

4 (A) THE INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION
5 (1).

6 (B) THE INDIVIDUAL IS EMPLOYED OR CONTRACTED BY THE OWNER OR
7 OTHER PERSON WITH CONTROL OVER THE PREMISES DESCRIBED IN SUBSECTION
8 (1) AND THE POSSESSION OF THE PISTOL IS TO PROVIDE SECURITY
9 SERVICES FOR THE PREMISES OR IS OTHERWISE IN THE SCOPE OF THE
10 INDIVIDUAL'S OFFICIAL DUTIES.

11 (C) THE INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT
12 OF THE OWNER OF THE PREMISES OR AN AGENT OF THE OWNER OF THE
13 PREMISES.

14 (12) ~~(6)~~—An individual who violates this section is
15 responsible for a state civil infraction or guilty of a crime as
16 follows:

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

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

25 (c) For a third or subsequent violation, the individual is
26 guilty of a felony punishable by imprisonment for not more than 4
27 years or a fine of not more than \$5,000.00, or both. The court

- 1 shall order the individual's license to carry a concealed pistol
- 2 revoked.