

HOUSE BILL No. 5987

May 15, 2018, Introduced by Reps. McCready, Alexander, Webber, Greimel, Graves, Zemke, Kesto, Yaroch, Kahle, Hughes, Wentworth, Dianda, Chirkun, Cochran, Rendon, Iden, Lilly, Afendoulis and Lucido 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, 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 5b and 5l (MCL 28.425b and 28.425l), as amended by 2017 PA 95.

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 county clerk in the county in
3 which the individual resides. The applicant shall file the

1 application with the county clerk in the county in which the
2 applicant resides during the county clerk's normal business hours.
3 The application must be on a form provided by the director of the
4 department of state police and allow the applicant to designate
5 whether the applicant seeks an emergency license. The applicant
6 shall sign the application under oath. The county clerk or his or
7 her representative shall administer the oath. An application under
8 this subsection is not considered complete until an applicant
9 submits all of the required information and fees and has
10 fingerprints taken under subsection (9). An application under this
11 subsection is considered withdrawn if an applicant does not have
12 fingerprints taken under subsection (9) within 45 days of the date
13 an application is filed under this subsection. A completed
14 application and all receipts issued under this section expire 1
15 year from the date of application. The county clerk shall issue the
16 applicant a receipt for his or her application at the time the
17 application is submitted containing the name of the applicant, the
18 applicant's state-issued driver license or personal identification
19 card number, the date and time the receipt is issued, the amount
20 paid, the name of the county in which the receipt is issued, an
21 impression of the county seal, and the statement, "This receipt was
22 issued for the purpose of applying for a concealed pistol license
23 and for obtaining fingerprints related to that application. This
24 receipt does not authorize an individual to carry a concealed
25 pistol in this state.". The application must contain all of the
26 following:

27 (a) The applicant's legal name, date of birth, the address of

1 his or her primary residence, and his or her state-issued driver
2 license or personal identification card number.

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

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

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.

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

15 (i) Any felony.

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

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

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

27 (h) A certificate stating that the applicant has completed the

1 training course prescribed by this act.

2 (2) The county clerk shall not require the applicant to submit
3 any additional forms, documents, letters, or other evidence of
4 eligibility for obtaining a license to carry a concealed pistol
5 except as set forth in subsection (1) or as otherwise provided for
6 in this act. The application form must contain a conspicuous
7 warning that the application is executed under oath and that
8 intentionally making a material false statement on the application
9 is a felony punishable by imprisonment for not more than 4 years or
10 a fine of not more than \$2,500.00, or both.

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

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

20 (5) ~~Each~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, EACH**
21 applicant shall pay a nonrefundable application and licensing fee
22 of \$100.00 by any method of payment accepted by that county for
23 payments of other fees and penalties. Except as provided in
24 subsection (9), no other charge, fee, cost, or assessment,
25 including any local charge, fee, cost, or assessment, is required
26 of the applicant except as specifically authorized in this act. The
27 applicant shall pay the application and licensing fee to the

1 county. **AN INDIVIDUAL WHO WAS A MEMBER OF AND WHO RETIRED FROM THE**
2 **UNITED STATES ARMED FORCES, THE UNITED STATES ARMED FORCES RESERVE,**
3 **OR THE MICHIGAN NATIONAL GUARD SHALL NOT BE CHARGED AN APPLICATION**
4 **AND LICENSING FEE UNDER THIS SUBSECTION.** The county treasurer shall
5 deposit \$26.00 of each application and licensing fee collected
6 under this section in the concealed pistol licensing fund of that
7 county created in section 5x. The county treasurer shall forward
8 the balance remaining to the state treasurer. The state treasurer
9 shall deposit the balance of the fee in the general fund to the
10 credit of the department of state police. The department of state
11 police shall use the money received under this act to process the
12 fingerprints and to reimburse the Federal Bureau of Investigation
13 for the costs associated with processing fingerprints submitted
14 under this act. The balance of the money received under this act
15 must be credited to the department of state police.

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

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

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

27 (b) The applicant is a citizen of the United States or is an

1 alien lawfully admitted into the United States, is a legal resident
2 of this state, and has resided in this state for not less than the
3 6 months immediately preceding the date of application. The county
4 clerk shall waive the 6-month residency requirement for an
5 emergency license under section 5a(4) if the applicant is a
6 petitioner for a personal protection order issued under section
7 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.2950 and 600.2950a, or if the county sheriff determines
9 that there is clear and convincing evidence to believe that the
10 safety of the applicant or the safety of a member of the
11 applicant's family or household is endangered by the applicant's
12 inability to immediately obtain a license to carry a concealed
13 pistol. If the applicant holds a valid concealed pistol license
14 issued by another state at the time the applicant's residency in
15 this state is established, the county clerk shall waive the 6-month
16 residency requirement and the applicant may apply for a concealed
17 pistol license at the time the applicant's residency in this state
18 is established. For the purposes of this section, an individual is
19 considered a legal resident of this state if any of the following
20 apply:

21 (i) The individual has a valid, lawfully obtained driver
22 license issued under the Michigan vehicle code, 1949 PA 300, MCL
23 257.1 to 257.923, or official state personal identification card
24 issued under 1972 PA 222, MCL 28.291 to 28.300.

25 (ii) The individual is lawfully registered to vote in this
26 state.

27 (iii) The individual is on active duty status with the United

1 States Armed Forces and is stationed outside of this state, but the
2 individual's home of record is in this state.

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

6 (c) The applicant has knowledge and has had training in the
7 safe use and handling of a pistol by the successful completion of a
8 pistol safety training course or class that meets the requirements
9 of section 5j.

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

13 (i) Section 464a of the mental health code, 1974 PA 258, MCL
14 330.1464a.

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

17 (iii) Sections 2950 and 2950a of the revised judicature act of
18 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

19 (iv) Section 6b of chapter V of the code of criminal
20 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
21 imposed under section 6b(3) of chapter V of the code of criminal
22 procedure, 1927 PA 175, MCL 765.6b.

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

25 (e) Based solely on the report received from the department of
26 state police under subsection (6), the applicant is not prohibited
27 from possessing, using, transporting, selling, purchasing,

1 carrying, shipping, receiving, or distributing a firearm under
2 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

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

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

11 (h) Based solely on the report received from the department of
12 state police under subsection (6), the applicant has not been
13 convicted of a misdemeanor violation of any of the following in the
14 8 years immediately preceding the date of application and a charge
15 for a misdemeanor violation of any of the following is not pending
16 against the applicant in this state or elsewhere at the time he or
17 she applies for a license described in this section:

18 (i) Section 617a (failing to stop when involved in a personal
19 injury accident), section 625 as punishable under subsection (9)(b)
20 of that section (operating while intoxicated, second offense),
21 section 625m as punishable under subsection (4) of that section
22 (operating a commercial vehicle with alcohol content, second
23 offense), section 626 (reckless driving), or a violation of section
24 904(1) (operating while license suspended or revoked, second or
25 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
26 257.617a, 257.625, 257.625m, 257.626, and 257.904.

27 (ii) Section 185(7) of the aeronautics code of the state of

1 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under
2 the influence of intoxicating liquor or a controlled substance with
3 prior conviction).

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

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

10 (v) Section 80176 as punishable under section 80177(1) (b)
11 (operating vessel under the influence of intoxicating liquor or a
12 controlled substance, second offense), section 81134 as punishable
13 under subsection (8) (b) of that section (operating ORV under the
14 influence of intoxicating liquor or a controlled substance, second
15 or subsequent offense), or section 82127 as punishable under
16 section 82128(1) (b) (operating snowmobile under the influence of
17 intoxicating liquor or a controlled substance, second offense) of
18 the natural resources and environmental protection act, 1994 PA
19 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

20 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
21 333.7403 (possession of controlled substance, controlled substance
22 analogue, or prescription form).

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

27 (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying

1 sexually explicit matter to minors).

2 (ix) Section 81 (assault or domestic assault), section 81a(1)
3 or (2) (aggravated assault or aggravated domestic assault), section
4 115 (breaking and entering or entering without breaking), section
5 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
6 abuse), section 157b(3)(b) (solicitation to commit a felony),
7 section 215 (impersonating peace officer or medical examiner),
8 section 223 (illegal sale of a firearm or ammunition), section 224d
9 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
10 ~~or possession of a switchblade)~~, section 227c (improper
11 transportation of a loaded firearm), section 229 (accepting a
12 pistol in pawn), section 232a (improperly obtaining a pistol,
13 making a false statement on an application to purchase a pistol, or
14 using false identification to purchase a pistol), section 233
15 (intentionally aiming a firearm without malice), section 234
16 (intentionally discharging a firearm aimed without malice), section
17 234d (possessing a firearm on prohibited premises), section 234e
18 (brandishing a firearm in public), section 234f (possession of a
19 firearm by an individual less than 18 years of age), section 235
20 (intentionally discharging a firearm aimed without malice causing
21 injury), section 235a (parent of a minor who possessed a firearm in
22 a weapon free school zone), section 236 (setting a spring gun or
23 other device), section 237 (possessing a firearm while under the
24 influence of intoxicating liquor or a controlled substance),
25 section 237a (weapon free school zone violation), section 335a
26 (indecent exposure), section 411h (stalking), or section 520e
27 (fourth degree criminal sexual conduct) of the Michigan penal code,

1 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
2 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,
3 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
4 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
5 750.520e.

6 (x) Former section ~~228~~**226A** of the Michigan penal code, 1931
7 PA 328.

8 (xi) Section 1 (reckless, careless, or negligent use of a
9 firearm resulting in injury or death), section 2 (careless,
10 reckless, or negligent use of a firearm resulting in property
11 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
12 45, MCL 752.861, 752.862, and 752.863a.

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

17 (i) Based solely on the report received from the department of
18 state police under subsection (6), the applicant has not been
19 convicted of a misdemeanor violation of any of the following in the
20 3 years immediately preceding the date of application unless the
21 misdemeanor violation is listed under subdivision (h) and a charge
22 for a misdemeanor violation of any of the following is not pending
23 against the applicant in this state or elsewhere at the time he or
24 she applies for a license described in this section:

25 (i) Section 625 (operating under the influence), section 625a
26 (refusal of commercial vehicle operator to submit to a chemical
27 test), section 625k (ignition interlock device reporting

1 violation), section 625l (circumventing an ignition interlock
2 device), or section 625m punishable under subsection (3) of that
3 section (operating a commercial vehicle with alcohol content) of
4 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
5 257.625k, 257.625l, and 257.625m.

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

9 (iii) Section 81134 (operating ORV under the influence or
10 operating ORV while visibly impaired), or section 82127 (operating
11 a snowmobile under the influence) of the natural resources and
12 environmental protection act, 1994 PA 451, MCL 324.81134 and
13 324.82127.

14 (iv) Part 74 of the public health code, 1978 PA 368, MCL
15 333.7401 to 333.7461 (controlled substance violation).

16 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
17 462.353, punishable under subsection (3) of that section (operating
18 locomotive under the influence).

19 (vi) Section 167 (disorderly person), section 174
20 (embezzlement), section 218 (false pretenses with intent to
21 defraud), section 356 (larceny), section 356d (second degree retail
22 fraud), section 359 (larceny from a vacant building or structure),
23 section 362 (larceny by conversion), section 362a (larceny -
24 defrauding lessor), section 377a (malicious destruction of
25 property), section 380 (malicious destruction of real property),
26 section 535 (receiving or concealing stolen property), or section
27 540e (malicious use of telecommunications service or device) of the

1 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
2 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
3 750.535, and 750.540e.

4 (vii) A violation of a law of the United States, another
5 state, or a local unit of government of this state or another state
6 substantially corresponding to a violation described in
7 subparagraphs (i) to (vi).

8 (j) Based solely on the report received from the department of
9 state police under subsection (6), the applicant has not been found
10 guilty but mentally ill of any crime and has not offered a plea of
11 not guilty of, or been acquitted of, any crime by reason of
12 insanity.

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

17 (l) The applicant has filed a statement under subsection
18 (1)(d) that the applicant does not have a diagnosis of mental
19 illness that includes an assessment that the individual presents a
20 danger to himself or herself or to another at the time the
21 application is made, regardless of whether he or she is receiving
22 treatment for that illness.

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

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

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

12 (9) An individual, after submitting an application and paying
13 the fee prescribed under subsection (5), shall request that
14 classifiable fingerprints be taken by a county clerk, the
15 department of state police, a county sheriff, a local police
16 agency, or other entity, if the county clerk, department of state
17 police, county sheriff, local police agency, or other entity
18 provides fingerprinting capability for the purposes of this act. An
19 individual who has had classifiable fingerprints taken under
20 section 5a(4) does not need additional fingerprints taken under
21 this subsection. If the individual requests that classifiable
22 fingerprints be taken by the county clerk, department of state
23 police, county sheriff, a local police agency, or other entity, the
24 individual shall also pay a fee of \$15.00 by any method of payment
25 accepted for payments of other fees and penalties. A county clerk
26 shall deposit any fee it accepts under this subsection in the
27 concealed pistol licensing fund of that county created in section

1 5x. The county clerk, department of state police, county sheriff,
2 local police agency, or other entity shall take the fingerprints
3 within 5 business days after the request. County clerks, the
4 department of state police, county sheriffs, local police agencies,
5 and other entities shall provide reasonable access to
6 fingerprinting services during normal business hours as is
7 necessary to comply with the requirements of this act if the county
8 clerk, department of state police, county sheriff, local police
9 agency, or other entity provides fingerprinting capability for the
10 purposes of this act. The entity providing fingerprinting services
11 shall issue the individual a receipt at the time his or her
12 fingerprints are taken. The county clerk, department of state
13 police, county sheriff, local police agency, or other entity shall
14 not provide a receipt under this subsection unless the individual
15 requesting the fingerprints provides an application receipt
16 received under subsection (1). A receipt under this subsection must
17 contain all of the following:

- 18 (a) The name of the individual.
- 19 (b) The date and time the receipt is issued.
- 20 (c) The amount paid.
- 21 (d) The name of the entity providing the fingerprint services.
- 22 (e) The individual's state-issued driver license or personal
23 identification card number.
- 24 (f) The statement "This receipt was issued for the purpose of
25 applying for a concealed pistol license. As provided in section 5b
26 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
27 disqualification is not issued within 45 days after the date this

1 receipt was issued, this receipt shall serve as a concealed pistol
2 license for the individual named in the receipt when carried with
3 an official state-issued driver license or personal identification
4 card. The receipt is valid as a license until a license or notice
5 of statutory disqualification is issued by the county clerk. This
6 receipt does not exempt the individual named in the receipt from
7 complying with all applicable laws for the purchase of firearms.".

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

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

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

8 (13) Subject to subsection (10), the department of state
9 police shall complete the verification required under subsection
10 (6) and the county clerk shall issue a license or a notice of
11 statutory disqualification within 45 days after the date the
12 individual has classifiable fingerprints taken under subsection
13 (9). The county clerk shall include an indication on the license if
14 an individual is exempt from the prohibitions against carrying a
15 concealed pistol on premises described in section 5o if the
16 applicant provides acceptable proof that he or she qualifies for
17 that exemption. If the county clerk receives notice from a county
18 sheriff or chief law enforcement officer that a licensee is no
19 longer a member of a sheriff's posse, an auxiliary officer, or a
20 reserve officer, the county clerk shall notify the licensee that he
21 or she shall surrender the concealed pistol license indicating that
22 the individual is exempt from the prohibitions against carrying a
23 concealed pistol on premises described in section 5o. The licensee
24 shall, within 30 days after receiving notice from the county clerk,
25 surrender the license indicating that the individual is exempt from
26 the prohibitions against carrying a concealed pistol on premises
27 described in section 5o and obtain a replacement license after

1 paying the fee required under subsection (15). If the county clerk
2 issues a notice of statutory disqualification, the county clerk
3 shall within 5 business days do all of the following:

4 (a) Inform the individual in writing of the reasons for the
5 denial or disqualification. Information under this subdivision
6 ~~shall~~**MUST** include all of the following:

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

8 (ii) The source of the record for each statutory
9 disqualification identified.

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

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

15 (c) Inform the individual that he or she should contact the
16 source of the record for any statutory disqualification to correct
17 any errors in the record resulting in the statutory
18 disqualification.

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

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

1 concealed pistol moves to a different county within this state, his
2 or her license remains valid until it expires or is otherwise
3 suspended or revoked under this act. An individual may notify a
4 county clerk that he or she has moved to a different address within
5 this state for the purpose of receiving the notice under section
6 5l(1). A license to carry a concealed pistol that is lost, stolen,
7 defaced, or replaced for any other reason may be replaced by the
8 issuing county clerk for a replacement fee of \$10.00. A county
9 clerk shall deposit a replacement fee under this subsection in the
10 concealed pistol licensing fund of that county created in section
11 5x.

12 (16) If a license issued under this act is suspended or
13 revoked, the license is forfeited and the individual shall return
14 the license to the county clerk forthwith by mail or in person. The
15 county clerk shall retain a suspended or revoked license as an
16 official record 1 year after the expiration of the license, unless
17 the license is reinstated or a new license is issued. The county
18 clerk shall notify the department of state police if a license is
19 suspended or revoked. The department of state police shall enter
20 that suspension or revocation into the law enforcement information
21 network. An individual who fails to return a license as required
22 under this subsection after he or she was notified that his or her
23 license was suspended or revoked is guilty of a misdemeanor
24 punishable by imprisonment for not more than 93 days or a fine of
25 not more than \$500.00, or both.

26 (17) An applicant or an individual licensed under this act to
27 carry a concealed pistol may be furnished a copy of his or her

1 application under this section upon request and the payment of a
2 reasonable fee not to exceed \$1.00. The county clerk shall deposit
3 any fee collected under this subsection in the concealed pistol
4 licensing fund of that county created in section 5x.

5 (18) This section does not prohibit the county clerk from
6 making public and distributing to the public at no cost lists of
7 individuals who are certified as qualified instructors as
8 prescribed under section 5j.

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

18 (20) A county clerk, county sheriff, county prosecuting
19 attorney, police department, or the department of state police is
20 not liable for civil damages as a result of issuing a license under
21 this act to an individual who later commits a crime or a negligent
22 act.

23 (21) An individual licensed under this act to carry a
24 concealed pistol may voluntarily surrender that license without
25 explanation. A county clerk shall retain a surrendered license as
26 an official record for 1 year after the license is surrendered. If
27 an individual voluntarily surrenders a license under this

1 subsection, the county clerk shall notify the department of state
2 police. The department of state police shall enter into the law
3 enforcement information network that the license was voluntarily
4 surrendered and the date the license was voluntarily surrendered.

5 (22) As used in this section:

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

7 (i) For a retired police officer or retired law enforcement
8 officer, the officer's retired identification or a letter from a
9 law enforcement agency stating that the retired police officer or
10 law enforcement officer retired in good standing.

11 (ii) For an individual who is employed or contracted by an
12 entity described under section 50(1) to provide security services,
13 a letter from that entity stating that the employee is required by
14 his or her employer or the terms of a contract to carry a concealed
15 firearm on the premises of the employing or contracting entity and
16 his or her employee identification.

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

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

25 (v) For an individual who is a retired corrections officer of
26 a county sheriff's department, a letter from the county sheriff's
27 office stating that the retired corrections officer retired in good

1 standing and that the individual has received county sheriff
2 approved weapons training.

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

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

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

11 (ix) For an individual who is a parole, probation, or
12 corrections officer, or absconder recovery unit member, of the
13 department of corrections, his or her employee identification and
14 proof that the individual obtained a Michigan department of
15 corrections weapons permit.

16 (x) For an individual who is a retired parole, probation, or
17 corrections officer, or retired absconder recovery unit member, of
18 the department of corrections, a letter from the department of
19 corrections stating that the retired parole, probation, or
20 corrections officer, or retired absconder recovery unit member,
21 retired in good standing and proof that the individual obtained a
22 Michigan department of corrections weapons permit.

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

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

1 (xiii) For a retired federal law enforcement officer, the
2 identification required under the **FEDERAL** law enforcement officers
3 safety act, **18 USC 926B TO 926C**, or a letter from a law enforcement
4 agency stating that the retired federal law enforcement officer
5 retired in good standing.

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

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

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

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

25 (e) "Misdemeanor" means a violation of a penal law of this
26 state or violation of a local ordinance substantially corresponding
27 to a violation of a penal law of this state that is not a felony or

1 a violation of an order, rule, or regulation of a state agency that
2 is punishable by imprisonment or a fine that is not a civil fine,
3 or both.

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

7 Sec. 5l. (1) A license to carry a concealed pistol, including
8 a renewal license, is valid until the applicant's date of birth
9 that falls not less than 4 years or more than 5 years after the
10 license is issued or renewed, as applicable. The county clerk shall
11 notify the licensee that his or her license is about to expire and
12 may be renewed as provided in this section. The notification must
13 be sent by the county clerk to the last known address of the
14 licensee as shown on the records of the county clerk. The
15 notification must be sent in a sealed envelope by first-class mail
16 not less than 3 months or more than 6 months before the expiration
17 date of the current license. Except as provided in this section, a
18 renewal of a license under section 5b must be issued in the same
19 manner as an original license issued under section 5b. An applicant
20 is eligible for a renewal of a license under this section if his or
21 her license is not expired, or expired within a 1-year period
22 before the date of application under this section. ~~Each~~ **EXCEPT AS**
23 **OTHERWISE PROVIDED IN THIS SUBSECTION, EACH** applicant who submits
24 an application for a renewal license to a county clerk under this
25 section shall pay an application and licensing fee of \$115.00 by
26 any method of payment accepted by that county for payments of other
27 fees and penalties. No other charge, fee, cost, or assessment,

1 including any local charge, fee, cost, or assessment, is required
2 of the applicant except as specifically authorized in this act. The
3 applicant shall pay the application and licensing fee to the
4 county. **AN INDIVIDUAL WHO WAS A MEMBER OF AND WHO RETIRED FROM THE**
5 **UNITED STATES ARMED FORCES, THE UNITED STATES ARMED FORCES RESERVE,**
6 **OR THE MICHIGAN NATIONAL GUARD SHALL NOT BE CHARGED AN APPLICATION**
7 **AND LICENSING FEE UNDER THIS SUBSECTION.** The county treasurer shall
8 deposit \$36.00 of each fee collected under this subsection in the
9 concealed pistol licensing fund of that county created in section
10 5x. The county treasurer shall forward the balance remaining to the
11 state treasurer. The state treasurer shall deposit the balance of
12 the fee in the general fund to the credit of the department of
13 state police.

14 (2) Subject to subsections (9) and (10), an application to
15 renew a license to carry a concealed pistol may be submitted not
16 more than 6 months before the expiration of the current license. No
17 later than December 1, 2018, the department of state police shall
18 provide a system for an applicant to submit his or her application
19 to renew a license to carry a concealed pistol online or by first-
20 class mail and shall accept those applications on behalf of the
21 county clerk as required under this act at no additional charge.

22 ~~Each~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, EACH**
23 applicant who submits a renewal license online or by first-class
24 mail to the department of state police under this section shall pay
25 an application and licensing fee of \$115.00 by any method of
26 payment accepted by the department of state police. No other
27 charge, fee, cost, or assessment is required of the applicant

1 except as specifically authorized in this act. The applicant shall
2 pay the application and licensing fee to the state. **AN INDIVIDUAL**
3 **WHO WAS A MEMBER OF AND WHO RETIRED FROM THE UNITED STATES ARMED**
4 **FORCES, THE UNITED STATES ARMED FORCES RESERVE, OR THE MICHIGAN**
5 **NATIONAL GUARD SHALL NOT BE CHARGED AN APPLICATION AND LICENSING**
6 **FEE UNDER THIS SUBSECTION.** The state treasurer shall forward \$36.00
7 of each fee collected under this subsection to the county treasurer
8 who shall deposit the \$36.00 in the concealed pistol licensing fund
9 of that county created in section 5x. The state treasurer shall
10 deposit the balance of the fee in the general fund to the credit of
11 the department of state police. The department of state police
12 shall notify the county clerk of the county in which the applicant
13 resides of a properly submitted online application or application
14 by first-class mail received by the department. If the county clerk
15 issues a renewal license under this section, the county clerk shall
16 send the license to the licensee by first-class mail in a sealed
17 envelope. If the county clerk issues the renewal, the effective
18 date of the renewal license is the date of expiration of the
19 current license or the date of approval or issue of the renewal,
20 whichever is later, and the date of expiration is the applicant's
21 date of birth which is not less than 4 years or more than 5 years
22 from the effective date of the license.

23 (3) The department of state police shall complete the
24 verification required under section 5b(6) and the county clerk
25 shall issue a renewal license or a notice of statutory
26 disqualification within 30 days after the date the renewal
27 application was received. Beginning on the date the department of

1 state police establishes a system under subsection (2), the
2 department of state police shall provide an applicant a digital
3 receipt, or a receipt by first-class mail if requested, for his or
4 her renewal application submitted online at the time the
5 application is received by the department of state police.

6 Beginning on the date the department of state police establishes a
7 system under subsection (2), the department of state police shall
8 mail an applicant a receipt by first-class mail for his or her
9 renewal application submitted by first-class mail at the time the
10 application is received by the department of state police. The
11 receipt issued under this subsection to an individual applying for
12 a renewal license whose current license is not expired at the time
13 of application must contain all of the following:

14 (a) The name of the applicant.

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

16 (c) The amount paid.

17 (d) The applicant's state-issued driver license or personal
18 identification card number.

19 (e) The statement "This receipt was issued for the purpose of
20 renewal of a concealed pistol license. As provided in section 5/ of
21 1927 PA 372, MCL 28.425/, this receipt shall serve as a concealed
22 pistol license for the individual named in the receipt when carried
23 with the expired license and is valid until a license or notice of
24 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 (f) The name of the county in which the receipt is issued, if

1 applicable.

2 (g) An impression of the county seal, if applicable.

3 (4) The receipt issued under subsection (3) to an individual
4 applying for a renewal license whose license is expired must
5 contain all of the following:

6 (a) The name of the applicant.

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

8 (c) The amount paid.

9 (d) The applicant's state-issued driver license or personal
10 identification card number.

11 (e) The statement "This receipt was issued for the purpose of
12 renewal of a concealed pistol license. As provided in section 5/ of
13 1927 PA 372, MCL 28.425/, if a license or notice of statutory
14 disqualification is not issued within 30 days after the date this
15 receipt was issued, this receipt shall serve as a concealed pistol
16 license for the individual named in the receipt when carried with
17 an official state-issued driver license or personal identification
18 card. The receipt is valid as a license until a license or a notice
19 of statutory disqualification is issued by the county clerk. This
20 receipt does not exempt the individual named in the receipt from
21 complying with all applicable laws for the purchase of firearms.".

22 (5) Until November 30, 2018, a member of the United States
23 Armed Forces, the United States Armed Forces Reserve, or the
24 Michigan National Guard who is on orders to a duty station outside
25 of this state may submit his or her application to renew a license
26 to carry a concealed pistol by first-class mail, containing the
27 required fee, a notarized application, the licensee's address of

1 record within the state, the licensee's orders to report to a duty
2 station outside of this state, and if the licensee desires to have
3 his or her application receipt, renewal license, or any other
4 notices mailed to his or her address of assignment or deployment, a
5 letter requesting that action including the address of assignment
6 or deployment. If the county clerk issues a renewal license under
7 this section, the county clerk shall send the license to the
8 licensee by first-class mail in a sealed envelope. If the licensee
9 is a member of the United States Armed Forces, the United States
10 Armed Forces Reserve, or the Michigan National Guard who is on
11 orders to a duty station outside of this state and requests that
12 his or her license be sent to the address of assignment or
13 deployment, the county clerk shall mail the license to the licensee
14 at the address of assignment or deployment provided in the renewal
15 application. Until November 30, 2018, if a renewal application is
16 submitted by a member of the United States Armed Forces, the United
17 States Armed Forces Reserve, or the Michigan National Guard who is
18 on orders to a duty station outside of this state, the county clerk
19 shall mail a receipt to the licensee by first-class mail.

20 (6) If an individual applies for a renewal license before the
21 expiration of his or her license, the expiration date of the
22 current license is extended until the renewal license or notice of
23 statutory disqualification is issued. The county clerk shall notify
24 the department of state police in a manner prescribed by the
25 department of state police after he or she receives an application
26 for renewal. The department of state police shall immediately enter
27 into the law enforcement information network the date that

1 application for renewal was submitted and that the renewal
2 application is pending.

3 (7) ~~A person~~**AN INDIVIDUAL** carrying a concealed pistol after
4 the expiration date of his or her license under an extension under
5 subsection (6) shall keep the receipt issued by the county clerk
6 under subsection (3) and his or her expired license in his or her
7 possession at all times that he or she is carrying the pistol. For
8 the purposes of this act, the receipt is considered to be part of
9 the license to carry a concealed pistol until a renewal license is
10 issued or denied or a notice of statutory disqualification is
11 issued.

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

15 (9) The educational requirements under section 5b(7)(c) for an
16 applicant who is applying for a renewal of a license under this act
17 are waived except that the applicant shall certify that he or she
18 has completed at least 3 hours' review of the training described
19 under section 5b(7)(c) and has had at least 1 hour of firing range
20 time in the 6 months immediately preceding the subsequent
21 application. The educational and firing range requirements of this
22 subsection are met if the applicant certifies on the renewal
23 application form that he or she has complied with the requirements
24 of this subsection. An applicant is not required to verify the
25 statements made under this subsection and is not required to obtain
26 a certificate or undergo training other than as required by this
27 subsection.

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

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

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