

HOUSE BILL No. 6528

November 27, 2018, Introduced by Rep. LaFave 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 section 5~~l~~ (MCL 28.425~~l~~), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5~~l~~. (1) A license to carry a concealed pistol, including
2 a renewal license, is valid until the applicant's date of birth
3 that falls not less than 4 years or more than 5 years after the

1 license is issued or renewed, as applicable. The county clerk shall
2 notify the licensee that his or her license is about to expire and
3 may be renewed as provided in this section. The notification must
4 be sent by the county clerk to the last known address of the
5 licensee as shown on the records of the county clerk. The
6 notification must be sent in a sealed envelope by first-class mail
7 not less than 3 months or more than 6 months before the expiration
8 date of the current license. Except as provided in this section, a
9 renewal of a license under section 5b must be issued in the same
10 manner as an original license issued under section 5b. An applicant
11 is eligible for a renewal of a license under this section if his or
12 her license is not expired, or expired within a 1-year period
13 before the date of application under this section. ~~Each applicant~~
14 ~~who submits an application for a renewal license to a county clerk~~
15 ~~under this section shall pay an application and licensing fee of~~
16 ~~\$115.00 by any method of payment accepted by that county for~~
17 ~~payments of other fees and penalties. No other charge, fee, cost,~~
18 ~~or assessment, including any local charge, fee, cost, or~~
19 ~~assessment, is required of the applicant. except as specifically~~
20 ~~authorized in this act. The applicant shall pay the application and~~
21 ~~licensing fee to the county. The county treasurer shall deposit~~
22 ~~\$36.00 of each fee collected under this subsection in the concealed~~
23 ~~pistol licensing fund of that county created in section 5x. The~~
24 ~~county treasurer shall forward the balance remaining to the state~~
25 ~~treasurer. The state treasurer shall deposit the balance of the fee~~
26 ~~in the general fund to the credit of the department of state~~
27 ~~police.~~

1 (2) Subject to subsections (9) and (10), an application to
2 renew a license to carry a concealed pistol may be submitted not
3 more than 6 months before the expiration of the current license. No
4 later than December 1, 2018, the department of state police shall
5 provide a system for an applicant to submit his or her application
6 to renew a license to carry a concealed pistol online or by first-
7 class mail and shall accept those applications on behalf of the
8 county clerk as required under this act at no additional charge.
9 ~~Each applicant who submits a renewal license online or by first-~~
10 ~~class mail to the department of state police under this section~~
11 ~~shall pay an application and licensing fee of \$115.00 by any method~~
12 ~~of payment accepted by the department of state police. No other~~
13 ~~charge, fee, cost, or assessment is required of the applicant.~~
14 ~~except as specifically authorized in this act. The applicant shall~~
15 ~~pay the application and licensing fee to the state. The state~~
16 ~~treasurer shall forward \$36.00 of each fee collected under this~~
17 ~~subsection to the county treasurer who shall deposit the \$36.00 in~~
18 ~~the concealed pistol licensing fund of that county created in~~
19 ~~section 5x. The state treasurer shall deposit the balance of the~~
20 ~~fee in the general fund to the credit of the department of state~~
21 ~~police.~~ The department of state police shall notify the county
22 clerk of the county in which the applicant resides of a properly
23 submitted online application or application by first-class mail
24 received by the department. If the county clerk issues a renewal
25 license under this section, the county clerk shall send the license
26 to the licensee by first-class mail in a sealed envelope. If the
27 county clerk issues the renewal, the effective date of the renewal

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

6 (3) The department of state police shall complete the
7 verification required under section 5b(6) and the county clerk
8 shall issue a renewal license or a notice of statutory
9 disqualification within 30 days after the date the renewal
10 application was received. Beginning on the date the department of
11 state police establishes a system under subsection (2), the
12 department of state police shall provide an applicant a digital
13 receipt, or a receipt by first-class mail if requested, for his or
14 her renewal application submitted online at the time the
15 application is received by the department of state police.
16 Beginning on the date the department of state police establishes a
17 system under subsection (2), the department of state police shall
18 mail an applicant a receipt by first-class mail for his or her
19 renewal application submitted by first-class mail at the time the
20 application is received by the department of state police. The
21 receipt issued under this subsection to an individual applying for
22 a renewal license whose current license is not expired at the time
23 of application must contain all of the following:

24 (a) The name of the applicant.

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

26 ~~———— (c) The amount paid.~~

27 **(C)** ~~(d)~~—The applicant's state-issued driver license or

1 personal identification card number.

2 **(D)** ~~(e)~~—The statement "This receipt was issued for the purpose
3 of renewal of a concealed pistol license. As provided in section 5/
4 of 1927 PA 372, MCL 28.425/, this receipt shall serve as a
5 concealed pistol license for the individual named in the receipt
6 when carried with the expired license and is valid until a license
7 or notice of statutory disqualification is issued by the county
8 clerk. This receipt does not exempt the individual named in the
9 receipt from complying with all applicable laws for the purchase of
10 firearms."

11 **(E)** ~~(f)~~—The name of the county in which the receipt is issued,
12 if applicable.

13 **(F)** ~~(g)~~—An impression of the county seal, if applicable.

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

17 (a) The name of the applicant.

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

19 ~~(c) The amount paid.~~

20 **(C)** ~~(d)~~—The applicant's state-issued driver license or
21 personal identification card number.

22 **(D)** ~~(e)~~—The statement "This receipt was issued for the purpose
23 of renewal of a concealed pistol license. As provided in section 5/
24 of 1927 PA 372, MCL 28.425/, if a license or notice of statutory
25 disqualification is not issued within 30 days after the date this
26 receipt was issued, this receipt shall serve as a concealed pistol
27 license for the individual named in the receipt when carried with

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

6 (5) Until November 30, 2018, a member of the United States
7 Armed Forces, the United States Armed Forces Reserve, or the
8 Michigan National Guard who is on orders to a duty station outside
9 of this state may submit his or her application to renew a license
10 to carry a concealed pistol by first-class mail, containing ~~the~~
11 ~~required fee,~~ a notarized application, the licensee's address of
12 record within the state, the licensee's orders to report to a duty
13 station outside of this state, and if the licensee desires to have
14 his or her application receipt, renewal license, or any other
15 notices mailed to his or her address of assignment or deployment, a
16 letter requesting that action including the address of assignment
17 or deployment. If the county clerk issues a renewal license under
18 this section, the county clerk shall send the license to the
19 licensee by first-class mail in a sealed envelope. If the licensee
20 is a member of the United States Armed Forces, the United States
21 Armed Forces Reserve, or the Michigan National Guard who is on
22 orders to a duty station outside of this state and requests that
23 his or her license be sent to the address of assignment or
24 deployment, the county clerk shall mail the license to the licensee
25 at the address of assignment or deployment provided in the renewal
26 application. Until November 30, 2018, if a renewal application is
27 submitted by a member of the United States Armed Forces, the United

1 States Armed Forces Reserve, or the Michigan National Guard who is
2 on orders to a duty station outside of this state, the county clerk
3 shall mail a receipt to the licensee by first-class mail.

4 (6) If an individual applies for a renewal license before the
5 expiration of his or her license, the expiration date of the
6 current license is extended until the renewal license or notice of
7 statutory disqualification is issued. The county clerk shall notify
8 the department of state police in a manner prescribed by the
9 department of state police after he or she receives an application
10 for renewal. The department of state police shall immediately enter
11 into the law enforcement information network the date that
12 application for renewal was submitted and that the renewal
13 application is pending.

14 (7) A person carrying a concealed pistol after the expiration
15 date of his or her license under an extension under subsection (6)
16 shall keep the receipt issued by the county clerk under subsection
17 (3) and his or her expired license in his or her possession at all
18 times that he or she is carrying the pistol. For the purposes of
19 this act, the receipt is considered to be part of the license to
20 carry a concealed pistol until a renewal license is issued or
21 denied or a notice of statutory disqualification is issued.

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

25 (9) The educational requirements under section 5b(7)(c) for an
26 applicant who is applying for a renewal of a license under this act
27 are waived except that the applicant shall certify that he or she

1 has completed at least 3 hours' review of the training described
2 under section 5b(7)(c) and has had at least 1 hour of firing range
3 time in the 6 months immediately preceding the subsequent
4 application. The educational and firing range requirements of this
5 subsection are met if the applicant certifies on the renewal
6 application form that he or she has complied with the requirements
7 of this subsection. An applicant is not required to verify the
8 statements made under this subsection and is not required to obtain
9 a certificate or undergo training other than as required by this
10 subsection.

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

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

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