

SENATE BILL No. 1047

June 6, 2018, Introduced by Senator JONES and referred to the Committee on Government Operations.

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 8 (MCL 28.428), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) The county clerk in the county in which a license
2 was issued to an individual to carry a concealed pistol shall
3 suspend, revoke, or reinstate a license as required under this act
4 if ordered by a court or if the county clerk is notified by a law

1 enforcement agency, prosecuting official, or court of a change in
2 the licensee's eligibility to carry a concealed pistol under this
3 act.

4 (2) If a county clerk is notified by a law enforcement agency,
5 prosecuting official, or court that an individual licensed to carry
6 a concealed pistol is charged with a felony or charged with a
7 misdemeanor listed in section 5b(7)(h) or (i), the county clerk
8 shall immediately suspend the individual's license until there is a
9 final disposition of the charge for that offense. The county clerk
10 shall send notice by first-class mail in a sealed envelope of that
11 suspension to the individual's last known address as indicated in
12 the records of the county clerk. The notice must include the
13 statutory reason for the suspension, the source of the record
14 supporting that suspension, the length of the suspension, and whom
15 to contact for reinstating the license on expiration of the
16 suspension, correcting errors in the record, or appealing the
17 suspension. If a county clerk suspended a license under this
18 subsection and the individual is acquitted of the charge or the
19 charge is dismissed, the individual shall notify the county clerk
20 who shall automatically reinstate the license if the license is not
21 expired and the individual is otherwise qualified to receive a
22 license to carry a concealed pistol, as verified by the department
23 of state police. A county clerk shall not charge a fee for the
24 reinstatement of a license under this subsection.

25 (3) The department of state police shall notify the county
26 clerk in the county in which a license was issued to an individual
27 to carry a concealed pistol if the department of state police

1 determines that there has been a change in the individual's
2 eligibility under this act to receive a license to carry a
3 concealed pistol. The county clerk shall suspend, revoke, or
4 reinstate the license as required under this act and immediately
5 send notice of the suspension, revocation, or reinstatement under
6 this subsection by first-class mail in a sealed envelope to the
7 individual's last known address as indicated on the records of the
8 county clerk. The notice must include the statutory reason for the
9 suspension, revocation, or reinstatement, the source of the record
10 supporting the suspension, revocation, or reinstatement, the length
11 of the suspension or revocation, and whom to contact for correcting
12 errors in the record, appealing the suspension or revocation, and
13 reapplying for that individual's license. The department of state
14 police shall immediately enter that suspension, revocation, or
15 reinstatement into the law enforcement information network.

16 (4) If a suspension is imposed under this section, the
17 suspension must be for a period stated in years, months, or days,
18 or until the final disposition of the charge, and state the date
19 the suspension will end, if applicable. The licensee shall promptly
20 surrender his or her license to the county clerk **WITHIN 15 DAYS**
21 after being notified that his or her license has been revoked or
22 suspended. An individual who fails to surrender a license as
23 required under this subsection **WITHIN 15 DAYS** after he or she was
24 notified that his or her license was suspended or revoked is guilty
25 of a misdemeanor punishable by imprisonment for not more than 93
26 days or a fine of not more than \$500.00, or both. **AN INDIVIDUAL WHO**
27 **IS CONVICTED OF FAILING TO SURRENDER A LICENSE AS REQUIRED UNDER**

1 THIS SUBSECTION IS NOT ELIGIBLE TO RECEIVE A LICENSE TO CARRY A
2 CONCEALED PISTOL FOR 3 YEARS AFTER THAT CONVICTION.

3 (5) Except as otherwise provided in subsections (2) and (6),
4 if a license is suspended under this section and that license was
5 surrendered by the licensee, upon expiration of the suspension
6 period, the applicant may apply for a renewal license in the same
7 manner as provided under section 5/. The county clerk or department
8 of state police, as applicable, shall issue the applicant a receipt
9 for his or her application at the time the application is
10 submitted. The receipt must contain all of the following:

11 (a) The name of the applicant.

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

13 (c) The amount paid.

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

16 (e) The statement, "This receipt was issued for the purpose of
17 applying for a renewal of a concealed pistol license following a
18 period of suspension or revocation. This receipt does not authorize
19 an individual to carry a concealed pistol in this state.".

20 (f) The name of the county in which the receipt is issued, if
21 applicable.

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

23 (6) If a license is suspended because of an order under
24 section 5b(7)(d)(iii) and that license was surrendered by the
25 licensee, upon expiration of the order and notification to the
26 county clerk, the county clerk shall automatically reinstate the
27 license if the license is not expired and the department of state

1 police has completed the verification required under section 5b(6).
2 The county clerk shall not charge a fee for the reinstatement of a
3 license under this subsection.

4 (7) If the court orders a county clerk to suspend, revoke, or
5 reinstate a license under this section or amends a suspension,
6 revocation, or reinstatement order, the county clerk shall
7 immediately notify the department of state police in a manner
8 prescribed by the department of state police. The department of
9 state police shall enter the order or amended order into the law
10 enforcement information network.

11 (8) A suspension or revocation order or amended order issued
12 under this section is immediately effective. However, an individual
13 is not criminally liable for violating the order or amended order
14 unless he or she has received notice of the order or amended order.

15 (9) If an individual is carrying a pistol in violation of a
16 suspension or revocation order or amended order issued under this
17 section but has not previously received notice of the order or
18 amended order, the individual must be informed of the order or
19 amended order and be given an opportunity to properly store the
20 pistol or otherwise comply with the order or amended order before
21 an arrest is made for carrying the pistol in violation of this act.

22 (10) If a law enforcement agency or officer notifies an
23 individual of a suspension or revocation order or amended order
24 issued under this section who has not previously received notice of
25 the order or amended order, the law enforcement agency or officer
26 shall enter a statement into the law enforcement information
27 network that the individual has received notice of the order or

1 amended order under this section.