

SENATE BILL NO. 11

January 13, 2021, Introduced by Senator THEIS and referred to the Committee on Regulatory Reform.

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14 subsection is considered withdrawn if an applicant does not have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

1 and for obtaining fingerprints related to that application. This
2 receipt does not authorize an individual to carry a concealed
3 pistol in this state.". The application must contain all of the
4 following:

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

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

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

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

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

20 (i) Any felony.

21 (ii) A misdemeanor listed under subsection (7)(h) if the
22 applicant was convicted of that misdemeanor in the 8 years
23 immediately preceding the date of the application, or a misdemeanor
24 listed under subsection (7)(i) if the applicant was convicted of
25 that misdemeanor in the 3 years immediately preceding the date of
26 the application.

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

29 (g) If an applicant does not have a digitized photograph on

1 file with the secretary of state, a passport-quality photograph of
2 the applicant provided by the applicant at the time of application.

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

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

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

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

23 (5) Each applicant shall pay a nonrefundable application and
24 licensing fee of \$100.00 by any method of payment accepted by that
25 county for payments of other fees and penalties. Except as provided
26 in subsection (9), no other charge, fee, cost, or assessment,
27 including any local charge, fee, cost, or assessment, is required
28 of the applicant except as specifically authorized in this act. The
29 applicant shall pay the application and licensing fee to the

1 county. The county treasurer shall deposit \$26.00 of each
2 application and licensing fee collected under this section in the
3 concealed pistol licensing fund of that county created in section
4 5x. The county treasurer shall forward the balance remaining to the
5 state treasurer. The state treasurer shall deposit the balance of
6 the fee in the general fund to the credit of the department of
7 state police. The department of state police shall use the money
8 received under this act to process the fingerprints and to
9 reimburse the Federal Bureau of Investigation for the costs
10 associated with processing fingerprints submitted under this act.
11 The balance of the money received under this act must be credited
12 to the department of state police.

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

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

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

24 (b) The applicant is a citizen of the United States or is an
25 alien lawfully admitted into the United States, is a legal resident
26 of this state, and has resided in this state for not less than the
27 6 months immediately preceding the date of application. The county
28 clerk shall waive the 6-month residency requirement for an
29 emergency license under section 5a(4) if the applicant is a

1 petitioner for a personal protection order issued under section
2 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.2950 and 600.2950a, or if the county sheriff determines
4 that there is clear and convincing evidence to believe that the
5 safety of the applicant or the safety of a member of the
6 applicant's family or household is endangered by the applicant's
7 inability to immediately obtain a license to carry a concealed
8 pistol. If the applicant holds a valid concealed pistol license
9 issued by another state at the time the applicant's residency in
10 this state is established, the county clerk shall waive the 6-month
11 residency requirement and the applicant may apply for a concealed
12 pistol license at the time the applicant's residency in this state
13 is established. For the purposes of this section, an individual is
14 considered a legal resident of this state if any of the following
15 apply:

16 (i) The individual has a valid, lawfully obtained driver
17 license issued under the Michigan vehicle code, 1949 PA 300, MCL
18 257.1 to 257.923, or official state personal identification card
19 issued under 1972 PA 222, MCL 28.291 to 28.300.

20 (ii) The individual is lawfully registered to vote in this
21 state.

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

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

28 (c) The applicant has knowledge and has had training in the
29 safe use and handling of a pistol by the successful completion of a

1 pistol safety training course or class that meets the requirements
2 of section 5j.

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

6 (i) Section 464a of the mental health code, 1974 PA 258, MCL
7 330.1464a.

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

10 (iii) Sections 2950 and 2950a of the revised judicature act of
11 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

29 (g) The applicant has not been dishonorably discharged from

1 the United States Armed Forces.

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

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

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

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

25 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
26 290.650 (hindering, obstructing, assaulting, or committing bodily
27 injury upon director or authorized representative).

28 (v) Section 80176 as punishable under section 80177(1)(b)
29 (operating vessel under the influence of intoxicating liquor or a

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

9 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
10 333.7403 (possession of controlled substance, controlled substance
11 analogue, or prescription form).

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

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

18 (ix) Section 81 (assault or domestic assault), section 81a(1)
19 or (2) (aggravated assault or aggravated domestic assault), section
20 115 (breaking and entering or entering without breaking), section
21 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
22 abuse), section 157b(3)(b) (solicitation to commit a felony),
23 section 215 (impersonating peace officer or medical examiner),
24 section 223 (illegal sale of a firearm or ammunition), section 224d
25 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
26 ~~or possession of a switchblade),~~ section 227c (improper
27 transportation of a loaded firearm), section 229 (accepting a
28 pistol in pawn), section 232a (improperly obtaining a pistol,
29 making a false statement on an application to purchase a pistol, or

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

20 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 21 ~~328.~~

22 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a
 23 firearm resulting in injury or death), section 2 (careless,
 24 reckless, or negligent use of a firearm resulting in property
 25 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 26 45, MCL 752.861, 752.862, and 752.863a.

27 (xi) ~~(xii)~~ A violation of a law of the United States, another
 28 state, or a local unit of government of this state or another state
 29 substantially corresponding to a violation described in

1 subparagraphs (i) to ~~(xi)~~ (x).

2 (i) Based solely on the report received from the department of
3 state police under subsection (6), the applicant has not been
4 convicted of a misdemeanor violation of any of the following in the
5 3 years immediately preceding the date of application unless the
6 misdemeanor violation is listed under subdivision (h) 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 625 (operating under the influence), section 625a
11 (refusal of commercial vehicle operator to submit to a chemical
12 test), section 625k (ignition interlock device reporting
13 violation), section 625l (circumventing an ignition interlock
14 device), or section 625m punishable under subsection (3) of that
15 section (operating a commercial vehicle with alcohol content) of
16 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
17 257.625k, 257.625l, and 257.625m.

18 (ii) Section 185 of the aeronautics code of the state of
19 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
20 influence).

21 (iii) Section 81134 (operating ORV under the influence or
22 operating ORV while visibly impaired), or section 82127 (operating
23 a snowmobile under the influence) of the natural resources and
24 environmental protection act, 1994 PA 451, MCL 324.81134 and
25 324.82127.

26 (iv) Part 74 of the public health code, 1978 PA 368, MCL
27 333.7401 to 333.7461 (controlled substance violation).

28 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
29 462.353, punishable under subsection (3) of that section (operating

1 locomotive under the influence).

2 (vi) Section 167 (disorderly person), section 174
3 (embezzlement), section 218 (false pretenses with intent to
4 defraud), section 356 (larceny), section 356d (second degree retail
5 fraud), section 359 (larceny from a vacant building or structure),
6 section 362 (larceny by conversion), section 362a (larceny -
7 defrauding lessor), section 377a (malicious destruction of
8 property), section 380 (malicious destruction of real property),
9 section 535 (receiving or concealing stolen property), or section
10 540e (malicious use of telecommunications service or device) of the
11 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
12 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
13 750.535, and 750.540e.

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

18 (j) Based solely on the report received from the department of
19 state police under subsection (6), the applicant has not been found
20 guilty but mentally ill of any crime and has not offered a plea of
21 not guilty of, or been acquitted of, any crime by reason of
22 insanity.

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

27 (l) The applicant has filed a statement under subsection (1)(d)
28 that the applicant does not have a diagnosis of mental illness that
29 includes an assessment that the individual presents a danger to

1 himself or herself or to another at the time the application is
2 made, regardless of whether he or she is receiving treatment for
3 that illness.

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

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

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

20 (9) An individual, after submitting an application and paying
21 the fee prescribed under subsection (5), shall request that
22 classifiable fingerprints be taken by a county clerk, the
23 department of state police, a county sheriff, a local police
24 agency, or other entity, if the county clerk, department of state
25 police, county sheriff, local police agency, or other entity
26 provides fingerprinting capability for the purposes of this act. An
27 individual who has had classifiable fingerprints taken under
28 section 5a(4) does not need additional fingerprints taken under
29 this subsection. If the individual requests that classifiable

1 fingerprints be taken by the county clerk, department of state
2 police, county sheriff, a local police agency, or other entity, the
3 individual shall also pay a fee of \$15.00 by any method of payment
4 accepted for payments of other fees and penalties. A county clerk
5 shall deposit any fee it accepts under this subsection in the
6 concealed pistol licensing fund of that county created in section
7 5x. The county clerk, department of state police, county sheriff,
8 local police agency, or other entity shall take the fingerprints
9 within 5 business days after the request. County clerks, the
10 department of state police, county sheriffs, local police agencies,
11 and other entities shall provide reasonable access to
12 fingerprinting services during normal business hours as is
13 necessary to comply with the requirements of this act if the county
14 clerk, department of state police, county sheriff, local police
15 agency, or other entity provides fingerprinting capability for the
16 purposes of this act. The entity providing fingerprinting services
17 shall issue the individual a receipt at the time his or her
18 fingerprints are taken. The county clerk, department of state
19 police, county sheriff, local police agency, or other entity shall
20 not provide a receipt under this subsection unless the individual
21 requesting the fingerprints provides an application receipt
22 received under subsection (1). A receipt under this subsection must
23 contain all of the following:

- 24 (a) The name of the individual.
25 (b) The date and time the receipt is issued.
26 (c) The amount paid.
27 (d) The name of the entity providing the fingerprint services.
28 (e) The individual's state-issued driver license or personal
29 identification card number.

1 (f) The statement "This receipt was issued for the purpose of
2 applying for a concealed pistol license. As provided in section 5b
3 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
4 disqualification is not issued within 45 days after the date this
5 receipt was issued, this receipt shall serve as a concealed pistol
6 license for the individual named in the receipt when carried with
7 an official state-issued driver license or personal identification
8 card. The receipt is valid as a license until a license or notice
9 of statutory disqualification is issued by the county clerk. This
10 receipt does not exempt the individual named in the receipt from
11 complying with all applicable laws for the purchase of firearms."

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

1 statutory disqualification because an individual's fingerprints are
2 not classifiable by the Federal Bureau of Investigation.

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

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

10 (13) Subject to subsection (10), the department of state
11 police shall complete the verification required under subsection
12 (6) and the county clerk shall issue a license or a notice of
13 statutory disqualification within 45 days after the date the
14 individual has classifiable fingerprints taken under subsection
15 (9). The county clerk shall include an indication on the license if
16 an individual is exempt from the prohibitions against carrying a
17 concealed pistol on premises described in section 50 if the
18 applicant provides acceptable proof that he or she qualifies for
19 that exemption. If the county clerk receives notice from a county
20 sheriff or chief law enforcement officer that a licensee is no
21 longer a member of a sheriff's posse, an auxiliary officer, or a
22 reserve officer, the county clerk shall notify the licensee that he
23 or she shall surrender the concealed pistol license indicating that
24 the individual is exempt from the prohibitions against carrying a
25 concealed pistol on premises described in section 50. The licensee
26 shall, within 30 days after receiving notice from the county clerk,
27 surrender the license indicating that the individual is exempt from
28 the prohibitions against carrying a concealed pistol on premises
29 described in section 50 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
28 concealed pistol moves to a different county within this state, his
29 or her license remains valid until it expires or is otherwise

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

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

24 (17) An applicant or an individual licensed under this act to
25 carry a concealed pistol may be furnished a copy of his or her
26 application under this section upon request and the payment of a
27 reasonable fee not to exceed \$1.00. The county clerk shall deposit
28 any fee collected under this subsection in the concealed pistol
29 licensing fund of that county created in section 5x.

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

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

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

19 (21) An individual licensed under this act to carry a
20 concealed pistol may voluntarily surrender that license without
21 explanation. A county clerk shall retain a surrendered license as
22 an official record for 1 year after the license is surrendered. If
23 an individual voluntarily surrenders a license under this
24 subsection, the county clerk shall notify the department of state
25 police. The department of state police shall enter into the law
26 enforcement information network that the license was voluntarily
27 surrendered and the date the license was voluntarily surrendered.

28 **(22) An executive order issued under the emergency management**
29 **act, 1976 PA 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31**

1 to 10.33, or an emergency order issued under section 2253 or 2453
2 of the public health code, 1978 PA 368, MCL 333.2253 or 333.2453,
3 does not affect a county clerk's duty to do any of the following:

- 4 (a) Issue a concealed pistol license under this section.
5 (b) Provide fingerprinting services for the purposes of this
6 act.

7 (23) An executive order issued under the emergency management
8 act, 1976 PA 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31
9 to 10.33, or an emergency order issued under section 2253 or 2453
10 of the public health code, 1978 PA 368, MCL 333.2253 or 333.2453,
11 does not affect the department of state police's, a county
12 sheriff's, or a local police agency's duty to provide
13 fingerprinting services for the purposes of this act.

14 (24) ~~(22)~~As used in this section:

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

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

20 (ii) For an individual who is employed or contracted by an
21 entity described under section 5o(1) to provide security services,
22 a letter from that entity stating that the employee is required by
23 his or her employer or the terms of a contract to carry a concealed
24 firearm on the premises of the employing or contracting entity and
25 his or her employee identification.

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

1 (iv) For an individual who is a corrections officer of a county
2 sheriff's department, his or her employee identification and a
3 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 reserve
16 officer of a police or sheriff's department, his or her employee
17 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,
28 retired in good standing and proof that the individual obtained a
29 Michigan department of corrections weapons permit.

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

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

6 (xiii) For a retired federal law enforcement officer, the
7 identification required under ~~the law enforcement officers safety~~
8 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
9 that the retired federal law enforcement officer retired in good
10 standing.

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

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

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

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

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

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

10 Sec. 5l. (1) A license to carry a concealed pistol, including a
11 renewal license, is valid until the applicant's date of birth that
12 falls not less than 4 years or more than 5 years after the license
13 is issued or renewed, as applicable. The county clerk shall notify
14 the licensee that his or her license is about to expire and may be
15 renewed as provided in this section. The notification must be sent
16 by the county clerk to the last known address of the licensee as
17 shown on the records of the county clerk. The notification must be
18 sent in a sealed envelope by first-class mail not less than 3
19 months or more than 6 months before the expiration date of the
20 current license. Except as provided in this section, a renewal of a
21 license under section 5b must be issued in the same manner as an
22 original license issued under section 5b. An applicant is eligible
23 for a renewal of a license under this section if his or her license
24 is not expired, or expired within a 1-year period before the date
25 of application under this section. Each applicant who submits an
26 application for a renewal license to a county clerk under this
27 section shall pay an application and licensing fee of \$115.00 by
28 any method of payment accepted by that county for payments of other
29 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. The county treasurer shall deposit \$36.00 of each fee
5 collected under this subsection in the concealed pistol licensing
6 fund of that county created in section 5x. The county treasurer
7 shall forward the balance remaining to the state treasurer. The
8 state treasurer shall deposit the balance of the fee in the general
9 fund to the credit of the department of state police.

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

1 department of state police. The department of state police shall
2 notify the county clerk of the county in which the applicant
3 resides of a properly submitted online application or application
4 by first-class mail received by the department. If the county clerk
5 issues a renewal license under this section, the county clerk shall
6 send the license to the licensee by first-class mail in a sealed
7 envelope. If the county clerk issues the renewal, the effective
8 date of the renewal license is the date of expiration of the
9 current license or the date of approval or issue of the renewal,
10 whichever is later, and the date of expiration is the applicant's
11 date of birth which is not less than 4 years or more than 5 years
12 from the effective date of the license.

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

1 of application must contain all of the following:

2 (a) The name of the applicant.

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

4 (c) The amount paid.

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

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

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

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

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

21 (a) The name of the applicant.

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

23 (c) The amount paid.

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

26 (e) The statement "This receipt was issued for the purpose of
27 renewal of a concealed pistol license. As provided in section 5/ of
28 1927 PA 372, MCL 28.425/, if a license or notice of statutory
29 disqualification is not issued within 30 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 a 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 ~~(5) Until November 30, 2018, a member of the United States~~
9 ~~Armed Forces, the United States Armed Forces Reserve, or the~~
10 ~~Michigan National Guard who is on orders to a duty station outside~~
11 ~~of this state may submit his or her application to renew a license~~
12 ~~to carry a concealed pistol by first-class mail, containing the~~
13 ~~required fee, a notarized application, the licensee's address of~~
14 ~~record within the state, the licensee's orders to report to a duty~~
15 ~~station outside of this state, and if the licensee desires to have~~
16 ~~his or her application receipt, renewal license, or any other~~
17 ~~notices mailed to his or her address of assignment or deployment, a~~
18 ~~letter requesting that action including the address of assignment~~
19 ~~or deployment. If the county clerk issues a renewal license under~~
20 ~~this section, the county clerk shall send the license to the~~
21 ~~licensee by first-class mail in a sealed envelope. If the licensee~~
22 ~~is a member of the United States Armed Forces, the United States~~
23 ~~Armed Forces Reserve, or the Michigan National Guard who is on~~
24 ~~orders to a duty station outside of this state and requests that~~
25 ~~his or her license be sent to the address of assignment or~~
26 ~~deployment, the county clerk shall mail the license to the licensee~~
27 ~~at the address of assignment or deployment provided in the renewal~~
28 ~~application. Until November 30, 2018, if a renewal application is~~
29 ~~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 (5) ~~(6)~~—If an individual applies for a renewal license before
5 the 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 (6) ~~(7) A person~~ **An individual** carrying a concealed pistol
15 after the expiration date of his or her license under an extension
16 under subsection ~~(6)~~ **(5)** shall keep the receipt issued by the
17 county clerk under subsection (3) and his or her expired license in
18 his or her possession at all times that he or she is carrying the
19 pistol. For the purposes of this act, the receipt is considered to
20 be part of the license to carry a concealed pistol until a renewal
21 license is issued or denied or a notice of statutory
22 disqualification is issued.

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

26 (8) ~~(9)~~—The educational requirements under section 5b(7)(c)
27 for an applicant who is applying for a renewal of a license under
28 this act are waived except that the applicant shall certify that he
29 or she has completed at least 3 hours' review of the training

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

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

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

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

22 **(10) An executive order issued under the emergency management**
23 **act, 1976 PA 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31**
24 **to 10.33, or an emergency order issued under section 2253 or 2453**
25 **of the public health code, 1978 PA 368, MCL 333.2253 or 333.2453,**
26 **does not affect a county clerk's duty to do either of the**
27 **following:**

28 (a) **Issue a renewal license under this section.**

29 (b) **Provide a personal identification number to an individual**

1 so that the individual may submit their renewal license online.

2 (11) If the governor issues or declares a state of emergency
3 or state of disaster under the emergency management act, 1976 PA
4 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31 to 10.33, the
5 director of the department of health and human services issues an
6 emergency order under section 2253 of the public health code, 1978
7 PA 368, MCL 333.2253, or a local health officer issues an emergency
8 order under section 2453 of the public health code, 1978 PA 368,
9 MCL 333.2453, the department of state police may provide a personal
10 identification number to an individual during that emergency or
11 disaster so that the individual may submit his or her renewal
12 license online.