

# HOUSE BILL NO. 4013

January 26, 2021, Introduced by Rep. Eisen and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

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

certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 5a and 5b (MCL 28.425a and 28.425b), as amended by 2017 PA 95.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5a. (1) A license to carry a concealed pistol issued by a  
2           concealed weapon licensing board before December 1, 2015 is valid  
3           and remains in effect until the expiration of that license or as  
4           otherwise provided by law.

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

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

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

9           (c) Issuing notices of statutory disqualification, notices of  
10          suspensions, and notices of revocations.

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

15          (4) A county clerk shall issue an emergency license to carry a  
16          concealed pistol to ~~an individual if the~~ **either of the following**  
17          **individuals:**

18          **(a) An individual who** has obtained a personal protection order  
19          issued under section 2950 or 2950a of the revised judicature act of  
20          1961, 1961 PA 236, MCL 600.2950 and 600.2950a. ~~, or to that~~

21          **(b) An individual** if a county sheriff determines that there is  
22          clear and convincing evidence to believe the safety of the  
23          individual or the safety of a member of the individual's family or  
24          household is endangered by the individual's inability to

1 immediately obtain a license to carry a concealed pistol. Clear and  
 2 convincing evidence includes, but is not limited to, an application  
 3 for a personal protection order, police reports and other law  
 4 enforcement records, or written, audio, or visual evidence of  
 5 threats to the individual or member of the individual's family or  
 6 household.

7 **(5) If the governor has declared an emergency or disaster and**  
 8 **concealed pistol license applications are not being processed under**  
 9 **section 5b, a county clerk shall issue a temporary license to carry**  
 10 **a concealed pistol to an individual who has done all of the**  
 11 **following:**

12 **(a) Completed a pistol training course under section 5j.**

13 **(b) Applied for a license under section 5b.**

14 **(c) Paid the fee described in subsection (6).**

15 **(6) A county clerk shall only issue an emergency or temporary**  
 16 **license to carry a concealed pistol to an individual ~~who has~~**  
 17 **~~obtained a personal protection order~~ if the individual is eligible**  
 18 **under section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to**  
 19 **receive a license based on a criminal record check through the law**  
 20 **enforcement information network conducted by the department of**  
 21 **state police. The county sheriff shall only issue a determination**  
 22 **under ~~this~~ subsection **(4)** to an individual who is eligible under**  
 23 **section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive**  
 24 **a license based on a criminal record check through the law**  
 25 **enforcement information network and only after the county sheriff**  
 26 **has taken the individual's fingerprints in compliance with section**  
 27 **5b(9). A county sheriff shall notify the county clerk if the county**  
 28 **sheriff determines that an individual is not eligible under section**  
 29 **5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a**

1 license. An emergency **or temporary** license must be on a form  
2 provided by the department of state police. An individual who  
3 applies for an emergency license **under subsection (4)** shall, within  
4 10 business days after applying for an emergency license, complete  
5 a pistol training course under section 5j and apply for a license  
6 under section 5b. If an individual who applies for an emergency  
7 license **under subsection (4)** does not complete a pistol training  
8 course under section 5j and apply for a license under section 5b  
9 within 10 business days after applying for an emergency license,  
10 that individual's emergency license is no longer valid. A county  
11 sheriff who makes a determination under this section, performs a  
12 criminal record check, and takes the applicant's fingerprints may  
13 charge a fee not to exceed \$15.00. A county clerk may charge a fee  
14 not to exceed \$10.00 for printing an emergency license. **A county**  
15 **clerk may charge a fee not to exceed \$25.00 for printing a**  
16 **temporary license.** A county clerk shall deposit a fee collected by  
17 the county clerk under this subsection in the concealed pistol  
18 licensing fund of that county created in section 5x. Except as  
19 otherwise provided in this subsection, an emergency license **issued**  
20 **to an individual under subsection (4)** is valid for 45 days or until  
21 the county clerk issues a notice of statutory disqualification,  
22 whichever occurs first. **Except as otherwise provided in this**  
23 **subsection, a temporary license issued to an individual under**  
24 **subsection (5) is valid for 90 days or until the county clerk**  
25 **issues a notice of statutory disqualification, whichever occurs**  
26 **first.** Except as otherwise provided in this act, an emergency **or**  
27 **temporary** license is, for all other purposes of this act, a license  
28 to carry a concealed pistol. The county clerk shall include an  
29 indication on the license if an individual is exempt from the

1 prohibitions against carrying a concealed pistol on premises  
2 described in section 5o if the applicant provides acceptable proof  
3 that he or she qualifies for that exemption. An individual shall  
4 not obtain more than 1 emergency license in any 5-year period. If a  
5 county clerk issues a notice of statutory disqualification to an  
6 applicant who received an emergency **or temporary** license under this  
7 section, the applicant shall immediately surrender the emergency **or**  
8 **temporary** license to the county clerk by mail or in person if that  
9 ~~emergency~~ license has not expired. An individual who fails to  
10 surrender a license as required by this subsection after he or she  
11 is notified of a statutory disqualification is guilty of a  
12 misdemeanor punishable by imprisonment for not more than 93 days or  
13 a fine of not more than \$500.00, or both.

14       (7) ~~(5)~~—The legislative service bureau shall compile the  
15 firearms laws of this state, including laws that apply to carrying  
16 a concealed pistol, and shall provide copies of the compilation in  
17 an electronic format to the department of state police. The  
18 department of state police shall provide a copy of the compiled  
19 laws to each county clerk in this state. The department of state  
20 police shall also provide forms to appeal any notice of statutory  
21 disqualification, or suspension or revocation of a license under  
22 this act. The department of state police shall distribute copies of  
23 the compilation and forms required under this subsection in an  
24 electronic format to each county clerk. The county clerk shall  
25 distribute a copy of the compilation and forms at no charge to each  
26 individual who applies for a license to carry a concealed pistol at  
27 the time the application is submitted. The county clerk may  
28 distribute copies of the compilation and forms required under this  
29 subsection in an electronic format. The county clerk shall require

1 the applicant to sign a written statement acknowledging that he or  
2 she has received a copy of the compilation and forms provided under  
3 this subsection. An individual is not eligible to receive a license  
4 to carry a concealed pistol until he or she has signed the  
5 statement.

6       Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
7 an individual shall apply to the county clerk in the county in  
8 which the individual resides. The applicant shall file the  
9 application with the county clerk in the county in which the  
10 applicant resides during the county clerk's normal business hours.  
11 The application must be on a form provided by the director of the  
12 department of state police and allow the applicant to designate  
13 whether the applicant seeks an emergency license. The applicant  
14 shall sign the application under oath. The county clerk or his or  
15 her representative shall administer the oath. An application under  
16 this subsection is not considered complete until an applicant  
17 submits all of the required information and fees and has  
18 fingerprints taken under subsection (9). ~~An~~ **Except during an**  
19 **emergency or disaster declared by the governor when concealed**  
20 **pistol license applications are not being processed, an** application  
21 under this subsection is considered withdrawn if an applicant does  
22 not have fingerprints taken under subsection (9) within 45 days of  
23 the date an application is filed under this subsection. A completed  
24 application and all receipts issued under this section expire 1  
25 year from the date of application. The county clerk shall issue the  
26 applicant a receipt for his or her application at the time the  
27 application is submitted containing the name of the applicant, the  
28 applicant's state-issued driver license or personal identification  
29 card number, the date and time the receipt is issued, the amount

1 paid, the name of the county in which the receipt is issued, an  
2 impression of the county seal, and the statement, "This receipt was  
3 issued for the purpose of applying for a concealed pistol license  
4 and for obtaining fingerprints related to that application. This  
5 receipt does not authorize an individual to carry a concealed  
6 pistol in this state.". The application must contain all of the  
7 following:

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

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

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

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

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

23 (i) Any felony.

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

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

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

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

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

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

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

26 (5) Each applicant shall pay a nonrefundable application and  
27 licensing fee of \$100.00 by any method of payment accepted by that  
28 county for payments of other fees and penalties. **The county clerk**  
29 **shall subtract from this fee any fee an individual paid to the**

**1 county clerk when obtaining a temporary license under section 5a.**

2 Except as provided in subsection (9), no other charge, fee, cost,  
3 or assessment, including any local charge, fee, cost, or  
4 assessment, is required of the applicant except as specifically  
5 authorized in this act. The applicant shall pay the application and  
6 licensing fee to the county. The county treasurer shall deposit  
7 \$26.00 of each application and licensing fee collected under this  
8 section in the concealed pistol licensing fund of that county  
9 created in section 5x. The county treasurer shall forward the  
10 balance remaining to the state treasurer. The state treasurer shall  
11 deposit the balance of the fee in the general fund to the credit of  
12 the department of state police. The department of state police  
13 shall use the money received under this act to process the  
14 fingerprints and to reimburse the Federal Bureau of Investigation  
15 for the costs associated with processing fingerprints submitted  
16 under this act. The balance of the money received under this act  
17 must be credited to the department of state police.

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

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

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

29 (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  
28 States Armed Forces and is stationed outside of this state, but the  
29 individual's home of record is in this state.

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

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

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

11           (i) Section 464a of the mental health code, 1974 PA 258, MCL  
12 330.1464a.

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

15           (iii) Sections 2950 and 2950a of the revised judicature act of  
16 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

17           (iv) Section 6b of chapter V of the code of criminal procedure,  
18 1927 PA 175, MCL 765.6b, if the order has a condition imposed under  
19 section 6b(3) of chapter V of the code of criminal procedure, 1927  
20 PA 175, MCL 765.6b.

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

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

28           (f) Based solely on the report received from the department of  
29 state police under subsection (6), the applicant has never been

1 convicted of a felony in this state or elsewhere, and a felony  
2 charge against the applicant is not pending in this state or  
3 elsewhere at the time he or she applies for a license described in  
4 this section.

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

7 (h) Based solely on the report received from the department of  
8 state police under subsection (6), the applicant has not been  
9 convicted of a misdemeanor violation of any of the following in the  
10 8 years immediately preceding the date of application and a charge  
11 for a misdemeanor violation of any of the following is not pending  
12 against the applicant in this state or elsewhere at the time he or  
13 she applies for a license described in this section:

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

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

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

1 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL  
2 290.650 (hindering, obstructing, assaulting, or committing bodily  
3 injury upon director or authorized representative).

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

14 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
15 333.7403 (possession of controlled substance, controlled substance  
16 analogue, or prescription form).

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

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

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

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

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

27 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a  
 28 firearm resulting in injury or death), section 2 (careless,  
 29 reckless, or negligent use of a firearm resulting in property

1 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
2 45, MCL 752.861, 752.862, and 752.863a.

3 (xi) ~~(xii)~~—A violation of a law of the United States, another  
4 state, or a local unit of government of this state or another state  
5 substantially corresponding to a violation described in  
6 subparagraphs (i) to ~~(xi)~~ (x) .

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

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

23 (ii) Section 185 of the aeronautics code of the state of  
24 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the  
25 influence).

26 (iii) Section 81134 (operating ORV under the influence or  
27 operating ORV while visibly impaired), or section 82127 (operating  
28 a snowmobile under the influence) of the natural resources and  
29 environmental protection act, 1994 PA 451, MCL 324.81134 and

1 324.82127.

2 (iv) Part 74 of the public health code, 1978 PA 368, MCL  
3 333.7401 to 333.7461 (controlled substance violation).

4 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
5 462.353, punishable under subsection (3) of that section (operating  
6 locomotive under the influence).

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

19 (vii) A violation of a law of the United States, another state,  
20 or a local unit of government of this state or another state  
21 substantially corresponding to a violation described in  
22 subparagraphs (i) to (vi).

23 (j) Based solely on the report received from the department of  
24 state police under subsection (6), the applicant has not been found  
25 guilty but mentally ill of any crime and has not offered a plea of  
26 not guilty of, or been acquitted of, any crime by reason of  
27 insanity.

28 (k) Based solely on the report received from the department of  
29 state police under subsection (6), the applicant is not currently

1 and has never been subject to an order of involuntary commitment in  
2 an inpatient or outpatient setting due to mental illness.

3 (l) The applicant has filed a statement under subsection (1)(d)  
4 that the applicant does not have a diagnosis of mental illness that  
5 includes an assessment that the individual presents a danger to  
6 himself or herself or to another at the time the application is  
7 made, regardless of whether he or she is receiving treatment for  
8 that illness.

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

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

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

25 (9) An individual, after submitting an application and paying  
26 the fee prescribed under subsection (5), shall request that  
27 classifiable fingerprints be taken by a county clerk, the  
28 department of state police, a county sheriff, a local police  
29 agency, or other entity, if the county clerk, department of state

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

29 (a) The name of the individual.

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

2 (c) The amount paid.

3 (d) The name of the entity providing the fingerprint services.

4 (e) The individual's state-issued driver license or personal  
5 identification card number.

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

17 (10) The fingerprints must be taken, under subsection (9), in  
18 a manner prescribed by the department of state police. The county  
19 clerk, county sheriff, local police agency, or other entity shall  
20 immediately forward the fingerprints taken by that entity to the  
21 department of state police for comparison with fingerprints already  
22 on file with the department of state police. The department of  
23 state police shall immediately forward the fingerprints to the  
24 Federal Bureau of Investigation. Within 5 business days after  
25 completing the verification under subsection (6), the department  
26 shall send the county clerk a list of an individual's statutory  
27 disqualifications under this act. Except as provided in section  
28 5a(4), the county clerk shall not issue a concealed pistol license  
29 until he or she receives the report of statutory disqualifications

1 prescribed in this subsection. If an individual's fingerprints are  
2 not classifiable, the department of state police shall, at no  
3 charge, take the individual's fingerprints again or provide for the  
4 comparisons under this subsection to be conducted through  
5 alternative means. The county clerk shall not issue a notice of  
6 statutory disqualification because an individual's fingerprints are  
7 not classifiable by the Federal Bureau of Investigation.

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

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

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

1 concealed pistol on premises described in section 5o. The licensee  
2 shall, within 30 days after receiving notice from the county clerk,  
3 surrender the license indicating that the individual is exempt from  
4 the prohibitions against carrying a concealed pistol on premises  
5 described in section 5o and obtain a replacement license after  
6 paying the fee required under subsection (15). If the county clerk  
7 issues a notice of statutory disqualification, the county clerk  
8 shall within 5 business days do all of the following:

9 (a) Inform the individual in writing of the reasons for the  
10 denial or disqualification. Information under this subdivision  
11 ~~shall~~**must** include all of the following:

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

13 (ii) The source of the record for each statutory  
14 disqualification identified.

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

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

20 (c) Inform the individual that he or she should contact the  
21 source of the record for any statutory disqualification to correct  
22 any errors in the record resulting in the statutory  
23 disqualification.

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

1 until a license or notice of statutory disqualification is issued  
2 by the county clerk.

3 (15) If an individual licensed under this act to carry a  
4 concealed pistol moves to a different county within this state, his  
5 or her license remains valid until it expires or is otherwise  
6 suspended or revoked under this act. An individual may notify a  
7 county clerk that he or she has moved to a different address within  
8 this state for the purpose of receiving the notice under section  
9 5l(1). A license to carry a concealed pistol that is lost, stolen,  
10 defaced, or replaced for any other reason may be replaced by the  
11 issuing county clerk for a replacement fee of \$10.00. A county  
12 clerk shall deposit a replacement fee under this subsection in the  
13 concealed pistol licensing fund of that county created in section  
14 5x.

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

29 (17) An applicant or an individual licensed under this act to

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

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

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

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

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

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

4 (22) As used in this section:

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

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

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

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

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

24 (v) For an individual who is a retired corrections officer of  
25 a county sheriff's department, a letter from the county sheriff's  
26 office stating that the retired corrections officer retired in good  
27 standing and that the individual has received county sheriff  
28 approved weapons training.

29 (vi) For an individual who is a motor carrier officer or

1 capitol security officer of the department of state police, his or  
2 her employee identification.

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

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

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

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

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

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

25 (xiii) For a retired federal law enforcement officer, the  
26 identification required under ~~the law enforcement officers safety~~  
27 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating  
28 that the retired federal law enforcement officer retired in good  
29 standing.

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

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

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

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

20           (e) "Misdemeanor" means a violation of a penal law of this  
21 state or violation of a local ordinance substantially corresponding  
22 to a violation of a penal law of this state that is not a felony or  
23 a violation of an order, rule, or regulation of a state agency that  
24 is punishable by imprisonment or a fine that is not a civil fine,  
25 or both.

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