

HOUSE BILL NO. 5367

October 05, 2021, Introduced by Reps. LaFave, Markkanen and Beeler 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, 5b, 5c, 5f, 5o, 12, 12a, and 15 (MCL 28.425a, 28.425b, 28.425c, 28.425f, 28.425o, 28.432, 28.432a, and 28.435), sections 5a, 5b, and 5o as amended by 2017 PA 95, sections 5c and 5f as amended by 2015 PA 3, section 12 as amended by 2010 PA 209, section 12a as amended by 2016 PA 301, and section 15 as added by 2000 PA 265.

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 individual has obtained a
17 personal protection order issued under section 2950 or 2950a of the
18 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
19 600.2950a, or to that individual if a county sheriff determines
20 that there is clear and convincing evidence to believe the safety

1 of the individual or the safety of a member of the individual's
2 family or household is endangered by the individual's inability to
3 immediately obtain a license to carry a concealed pistol. Clear and
4 convincing evidence includes, but is not limited to, an application
5 for a personal protection order, police reports and other law
6 enforcement records, or written, audio, or visual evidence of
7 threats to the individual or member of the individual's family or
8 household. A county clerk shall only issue an emergency license to
9 carry a concealed pistol to an individual who has obtained a
10 personal protection order if the individual is eligible under
11 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
12 a license based on a criminal record check through the law
13 enforcement information network conducted by the department of
14 state police. The county sheriff shall only issue a determination
15 under this subsection to an individual who is eligible under
16 section 5b(7)(d), (e), (f), (h), (i), (j), (k), and (m) to receive
17 a license based on a criminal record check through the law
18 enforcement information network and only after the county sheriff
19 has taken the individual's fingerprints in compliance with section
20 5b(9). A county sheriff shall notify the county clerk if the county
21 sheriff determines that an individual is not eligible under section
22 5b(7)(d), (e), (f), (h), (i), (j), (k), or (m) to receive a
23 license. An emergency license must be on a form provided by the
24 department of state police. An individual who applies for an
25 emergency license shall, ~~within~~ **not later than** 10 business days
26 after applying for an emergency license, complete a pistol training
27 course under section 5j and apply for a license under section 5b.
28 If an individual who applies for an emergency license does not
29 complete a pistol training course under section 5j and apply for a

1 license under section 5b within 10 business days after applying for
2 an emergency license, that individual's emergency license is no
3 longer valid. A county sheriff who makes a determination under this
4 section, performs a criminal record check, and takes the
5 applicant's fingerprints may charge a fee not to exceed \$15.00. A
6 county clerk may charge a fee not to exceed \$10.00 for printing an
7 emergency license. A county clerk shall deposit a fee collected by
8 the county clerk under this subsection in the concealed pistol
9 licensing fund of that county created in section 5x. Except as
10 otherwise provided in this subsection, an emergency license is
11 valid for 45 days or until the county clerk issues a notice of
12 statutory disqualification, whichever occurs first. Except as
13 otherwise provided in this act, an emergency license is, for all
14 other purposes of this act, a license to carry a concealed pistol.
15 ~~The county clerk shall include an indication on the license if an~~
16 ~~individual is exempt from the prohibitions against carrying a~~
17 ~~concealed pistol on premises described in section 5o if the~~
18 ~~applicant provides acceptable proof that he or she qualifies for~~
19 ~~that exemption.~~ An individual shall not obtain more than 1
20 emergency license in any 5-year period. If a county clerk issues a
21 notice of statutory disqualification to an applicant who received
22 an emergency license under this section, the applicant shall
23 immediately surrender the emergency license to the county clerk by
24 mail or in person if that emergency license has not expired. An
25 individual who fails to surrender a license as required by this
26 subsection after he or she is notified of a statutory
27 disqualification is guilty of a misdemeanor punishable by
28 imprisonment for not more than 93 days or a fine of not more than
29 \$500.00, or both.

1 (5) The legislative service bureau shall compile the firearms
2 laws of this state, including laws that apply to carrying a
3 concealed pistol, and shall provide copies of the compilation in an
4 electronic format to the department of state police. The department
5 of state police shall provide a copy of the compiled laws to each
6 county clerk in this state. The department of state police shall
7 also provide forms to appeal any notice of statutory
8 disqualification, or suspension or revocation of a license under
9 this act. The department of state police shall distribute copies of
10 the compilation and forms required under this subsection in an
11 electronic format to each county clerk. The county clerk shall
12 distribute a copy of the compilation and forms at no charge to each
13 individual who applies for a license to carry a concealed pistol at
14 the time the application is submitted. The county clerk may
15 distribute copies of the compilation and forms required under this
16 subsection in an electronic format. The county clerk shall require
17 the applicant to sign a written statement acknowledging that he or
18 she has received a copy of the compilation and forms provided under
19 this subsection. An individual is not eligible to receive a license
20 to carry a concealed pistol until he or she has signed the
21 statement.

22 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
23 an individual shall apply to the county clerk in the county in
24 which the individual resides. The applicant shall file the
25 application with the county clerk in the county in which the
26 applicant resides during the county clerk's normal business hours.
27 The application must be on a form provided by the director of the
28 department of state police and allow the applicant to designate
29 whether the applicant seeks an emergency license. The applicant

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

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

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

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

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

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

8 (i) Any felony.

9 (ii) A misdemeanor listed under subsection (7)(h) if the
10 applicant was convicted of that misdemeanor in the 8 years
11 immediately preceding the date of the application, or a misdemeanor
12 listed under subsection (7)(i) if the applicant was convicted of
13 that misdemeanor in the 3 years immediately preceding the date of
14 the application.

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

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

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

22 (2) The county clerk shall not require the applicant to submit
23 any additional forms, documents, letters, or other evidence of
24 eligibility for obtaining a license to carry a concealed pistol
25 except as set forth in subsection (1) or as otherwise provided for
26 in this act. The application form must contain a conspicuous
27 warning that the application is executed under oath and that
28 intentionally making a material false statement on the application
29 is a felony punishable by imprisonment for not more than 4 years or

1 a fine of not more than \$2,500.00, or both.

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

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

11 (5) Each applicant shall pay a nonrefundable application and
12 licensing fee of \$100.00 by any method of payment accepted by that
13 county for payments of other fees and penalties. Except as provided
14 in subsection (9), no other charge, fee, cost, or assessment,
15 including any local charge, fee, cost, or assessment, is required
16 of the applicant except as specifically authorized in this act. The
17 applicant shall pay the application and licensing fee to the
18 county. The county treasurer shall deposit \$26.00 of each
19 application and licensing fee collected under this section in the
20 concealed pistol licensing fund of that county created in section
21 5x. The county treasurer shall forward the balance remaining to the
22 state treasurer. The state treasurer shall deposit the balance of
23 the fee in the general fund to the credit of the department of
24 state police. The department of state police shall use the money
25 received under this act to process the fingerprints and to
26 reimburse the Federal Bureau of Investigation for the costs
27 associated with processing fingerprints submitted under this act.
28 The balance of the money received under this act must be credited
29 to the department of state police.

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

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

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

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

1 is established. For the purposes of this section, an individual is
2 considered a legal resident of this state if any of the following
3 apply:

4 (i) The individual has a valid, lawfully obtained driver
5 license issued under the Michigan vehicle code, 1949 PA 300, MCL
6 257.1 to 257.923, or official state personal identification card
7 issued under 1972 PA 222, MCL 28.291 to 28.300.

8 (ii) The individual is lawfully registered to vote in this
9 state.

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

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

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

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

23 (i) Section 464a of the mental health code, 1974 PA 258, MCL
24 330.1464a.

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

27 (iii) Sections 2950 and 2950a of the revised judiciary act of
28 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

29 (iv) Section 6b of chapter V of the code of criminal procedure,

1 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
2 section 6b(3) of chapter V of the code of criminal procedure, 1927
3 PA 175, MCL 765.6b.

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

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

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

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

19 (h) Based solely on the report received from the department of
20 state police under subsection (6), the applicant has not been
21 convicted of a misdemeanor violation of any of the following in the
22 8 years immediately preceding the date of application and a charge
23 for a misdemeanor violation of any of the following is not pending
24 against the applicant in this state or elsewhere at the time he or
25 she applies for a license described in this section:

26 (i) Section 617a (failing to stop when involved in a personal
27 injury accident), section 625 as punishable under subsection (9)(b)
28 of that section (operating while intoxicated, second offense),
29 section 625m as punishable under subsection (4) of that section

1 (operating a commercial vehicle with alcohol content, second
2 offense), section 626 (reckless driving), or a violation of section
3 904(1) (operating while license suspended or revoked, second or
4 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
5 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

13 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
14 290.650 (hindering, obstructing, assaulting, or committing bodily
15 injury upon director or authorized representative).

16 (v) Section 80176 as punishable under section 80177(1)(b)
17 (operating vessel under the influence of intoxicating liquor or a
18 controlled substance, second offense), section 81134 as punishable
19 under subsection (8)(b) of that section (operating ORV under the
20 influence of intoxicating liquor or a controlled substance, second
21 or subsequent offense), or section 82127 as punishable under
22 section 82128(1)(b) (operating snowmobile under the influence of
23 intoxicating liquor or a controlled substance, second offense) of
24 the natural resources and environmental protection act, 1994 PA
25 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

26 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
27 333.7403 (possession of controlled substance, controlled substance
28 analogue, or prescription form).

29 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,

1 MCL 462.353, punishable under subsection (4) of that section
2 (operating locomotive under the influence of intoxicating liquor or
3 a controlled substance, or while visibly impaired, second offense).

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

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

1 (indecent exposure), section 411h (stalking), or section 520e
 2 (fourth degree criminal sexual conduct) of the Michigan penal code,
 3 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 4 750.157b, 750.215, 750.223, 750.224d, ~~750.226a,~~ 750.227c, 750.229,
 5 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
 6 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 7 750.520e.

8 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 9 ~~328.~~

10 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a
 11 firearm resulting in injury or death), section 2 (careless,
 12 reckless, or negligent use of a firearm resulting in property
 13 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 14 45, MCL 752.861, 752.862, and 752.863a.

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

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

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

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

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

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

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

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

19 (vi) Section 167 (disorderly person), section 174
20 (embezzlement), section 218 (false pretenses with intent to
21 defraud), section 356 (larceny), section 356d (second degree retail
22 fraud), section 359 (larceny from a vacant building or structure),
23 section 362 (larceny by conversion), section 362a (larceny -
24 defrauding lessor), section 377a (malicious destruction of
25 property), section 380 (malicious destruction of real property),
26 section 535 (receiving or concealing stolen property), or section
27 540e (malicious use of telecommunications service or device) of the
28 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
29 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,

1 750.535, and 750.540e.

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

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

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

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

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

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

26 (8) Upon entry of a court order or conviction of 1 of the
27 enumerated prohibitions for using, transporting, selling,
28 purchasing, carrying, shipping, receiving, or distributing a
29 firearm in this section the department of state police shall

1 immediately enter the order or conviction into the law enforcement
2 information network. For purposes of this act, information of the
3 court order or conviction must not be removed from the law
4 enforcement information network, but may be moved to a separate
5 file intended for the use of the department of state police, the
6 courts, and other government entities as necessary and exclusively
7 to determine eligibility to be licensed under this act.

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

1 necessary to comply with the requirements of this act if the county
2 clerk, department of state police, county sheriff, local police
3 agency, or other entity provides fingerprinting capability for the
4 purposes of this act. The entity providing fingerprinting services
5 shall issue the individual a receipt at the time his or her
6 fingerprints are taken. The county clerk, department of state
7 police, county sheriff, local police agency, or other entity shall
8 not provide a receipt under this subsection unless the individual
9 requesting the fingerprints provides an application receipt
10 received under subsection (1). A receipt under this subsection must
11 contain all of the following:

- 12 (a) The name of the individual.
- 13 (b) The date and time the receipt is issued.
- 14 (c) The amount paid.
- 15 (d) The name of the entity providing the fingerprint services.
- 16 (e) The individual's state-issued driver license or personal
17 identification card number.
- 18 (f) The statement "This receipt was issued for the purpose of
19 applying for a concealed pistol license. As provided in section 5b
20 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
21 disqualification is not issued within 45 days after the date this
22 receipt was issued, this receipt shall serve as a concealed pistol
23 license for the individual named in the receipt when carried with
24 an official state-issued driver license or personal identification
25 card. The receipt is valid as a license until a license or notice
26 of statutory disqualification is issued by the county clerk. This
27 receipt does not exempt the individual named in the receipt from
28 complying with all applicable laws for the purchase of firearms."
- 29 (10) The fingerprints must be taken, under subsection (9), in

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

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

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

27 (13) Subject to subsection (10), the department of state
28 police shall complete the verification required under subsection
29 (6) and the county clerk shall issue a license or a notice of

1 statutory disqualification within 45 days after the date the
2 individual has classifiable fingerprints taken under subsection
3 (9). The county clerk shall include an indication on the license if
4 an individual is exempt from the prohibitions against carrying a
5 concealed pistol on premises described in section 50 if the
6 applicant provides acceptable proof that he or she qualifies for
7 that exemption. If the county clerk receives notice from a county
8 sheriff or chief law enforcement officer that a licensee is no
9 longer a member of a sheriff's posse, an auxiliary officer, or a
10 reserve officer, the county clerk shall notify the licensee that he
11 or she shall surrender the concealed pistol license indicating that
12 the individual is exempt from the prohibitions against carrying a
13 concealed pistol on premises described in section 50. The licensee
14 shall, within 30 days after receiving notice from the county clerk,
15 surrender the license indicating that the individual is exempt from
16 the prohibitions against carrying a concealed pistol on premises
17 described in section 50 and obtain a replacement license after
18 paying the fee required under subsection (15). If the county clerk
19 issues a notice of statutory disqualification, the county clerk
20 shall within 5 business days do all of the following:

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

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

25 (ii) The source of the record for each statutory
26 disqualification identified.

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

29 (b) Inform the individual in writing of his or her right to

1 appeal the denial or notice of statutory disqualification to the
2 circuit court as provided in section 5d.

3 (c) Inform the individual that he or she should contact the
4 source of the record for any statutory disqualification to correct
5 any errors in the record resulting in the statutory
6 disqualification.

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

15 (15) If an individual licensed under this act to carry a
16 concealed pistol moves to a different county within this state, his
17 or her license remains valid until it expires or is otherwise
18 suspended or revoked under this act. An individual may notify a
19 county clerk that he or she has moved to a different address within
20 this state for the purpose of receiving the notice under section
21 5l(1). A license to carry a concealed pistol that is lost, stolen,
22 defaced, or replaced for any other reason may be replaced by the
23 issuing county clerk for a replacement fee of \$10.00. A county
24 clerk shall deposit a replacement fee under this subsection in the
25 concealed pistol licensing fund of that county created in section
26 5x.

27 (16) If a license issued under this act is suspended or
28 revoked, the license is forfeited and the individual shall return
29 the license to the county clerk forthwith by mail or in person. The

1 county clerk shall retain a suspended or revoked license as an
2 official record 1 year after the expiration of the license, unless
3 the license is reinstated or a new license is issued. The county
4 clerk shall notify the department of state police if a license is
5 suspended or revoked. The department of state police shall enter
6 that suspension or revocation into the law enforcement information
7 network. An individual who fails to return a license as required
8 under this subsection after he or she was notified that his or her
9 license was suspended or revoked is guilty of a misdemeanor
10 punishable by imprisonment for not more than 93 days or a fine of
11 not more than \$500.00, or both.

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

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

22 (19) A county clerk issuing an initial license or renewal
23 license under this act shall mail the license to the licensee by
24 first-class mail in a sealed envelope. Upon payment of the fee
25 under subsection (15), a county clerk shall issue a replacement
26 license in person at the time of application for a replacement
27 license. A county clerk may also deliver a replacement license by
28 first-class mail if the individual submits to the clerk a written
29 request and a copy of the individual's state-issued driver license

1 or personal identification card.

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

7 (21) An individual licensed under this act to carry a
8 concealed pistol may voluntarily surrender that license without
9 explanation. A county clerk shall retain a surrendered license as
10 an official record for 1 year after the license is surrendered. If
11 an individual voluntarily surrenders a license under this
12 subsection, the county clerk shall notify the department of state
13 police. The department of state police shall enter into the law
14 enforcement information network that the license was voluntarily
15 surrendered and the date the license was voluntarily surrendered.

16 (22) As used in this section:

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

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

22 ~~(ii) For an individual who is employed or contracted by an~~
23 ~~entity described under section 50(1) to provide security services,~~
24 ~~a letter from that entity stating that the employee is required by~~
25 ~~his or her employer or the terms of a contract to carry a concealed~~
26 ~~firearm on the premises of the employing or contracting entity and~~
27 ~~his or her employee identification.~~

28 ~~(iii) For an individual who is licensed as a private~~
29 ~~investigator or private detective under the professional~~

1 ~~investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,~~
2 ~~his or her license.~~

3 ~~(iv) For an individual who is a corrections officer of a county~~
4 ~~sheriff's department, his or her employee identification and a~~
5 ~~letter stating that the individual has received county sheriff~~
6 ~~approved weapons training.~~

7 ~~(v) For an individual who is a retired corrections officer of~~
8 ~~a county sheriff's department, a letter from the county sheriff's~~
9 ~~office stating that the retired corrections officer retired in good~~
10 ~~standing and that the individual has received county sheriff~~
11 ~~approved weapons training.~~

12 ~~(vi) For an individual who is a motor carrier officer or~~
13 ~~capitol security officer of the department of state police, his or~~
14 ~~her employee identification.~~

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

17 ~~(viii) For an individual who is an auxiliary officer or reserve~~
18 ~~officer of a police or sheriff's department, his or her employee~~
19 ~~identification.~~

20 ~~(ix) For an individual who is a parole, probation, or~~
21 ~~corrections officer, or absconder recovery unit member, of the~~
22 ~~department of corrections, his or her employee identification and~~
23 ~~proof that the individual obtained a Michigan department of~~
24 ~~corrections weapons permit.~~

25 ~~(x) For an individual who is a retired parole, probation, or~~
26 ~~corrections officer, or retired absconder recovery unit member, of~~
27 ~~the department of corrections, a letter from the department of~~
28 ~~corrections stating that the retired parole, probation, or~~
29 ~~corrections officer, or retired absconder recovery unit member,~~

1 ~~retired in good standing and proof that the individual obtained a~~
 2 ~~Michigan department of corrections weapons permit.~~

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

6 ~~(xii) For an individual who is a court officer, his or her~~
 7 ~~employee identification.~~

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

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

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

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

27 **(c)** ~~(d)~~—"Mental illness" means a substantial disorder of
 28 thought or mood that significantly impairs judgment, behavior,
 29 capacity to recognize reality, or ability to cope with the ordinary

1 demands of life, and includes, but is not limited to, clinical
2 depression.

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

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

12 Sec. 5c. (1) A license to carry a concealed pistol ~~shall~~**must**
13 be in a form, with the same dimensions as a Michigan operator
14 license, prescribed by the department of state police, ~~Beginning~~
15 ~~December 1, 2015, the license shall~~**and** be constructed of plastic
16 laminated paper or hard plastic. No additional fee ~~shall~~**may** be
17 charged for the license unless otherwise prescribed in this act. A
18 **county clerk may charge a** fee not to exceed \$10.00 ~~may be charged~~
19 for an optional hard plastic license only if the county clerk also
20 provides the option of obtaining a plastic laminated paper license
21 at no charge. A county clerk shall deposit a fee collected under
22 this subsection in the concealed pistol licensing fund of that
23 county created in section 5x. The license ~~shall~~**must** contain all of
24 the following:

- 25 (a) The licensee's full name and date of birth.
26 (b) A photograph and a physical description of the licensee.
27 (c) A statement of the effective dates of the license.
28 (d) An indication of exceptions authorized by this act
29 applicable to the licensee.

1 (e) The licensee's state-issued driver license or personal
2 identification card number.

3 ~~(f) The premises on which carrying a concealed pistol is~~
4 ~~prohibited under section 5o.~~

5 (f) ~~(g)~~The peace officer disclosure required under section
6 5f(3).

7 (g) ~~(h)~~An indication whether the license is a duplicate or an
8 emergency license.

9 (h) ~~(i)~~If the license is an emergency license, an indication
10 that the emergency license does not exempt the individual from
11 complying with all applicable laws for the purchase of firearms.

12 (2) The department of state police or a county clerk shall not
13 require a licensee's signature to appear on a license to carry a
14 concealed pistol.

15 (3) ~~Subject to section 5o and except~~ **Except** as otherwise
16 provided by law, a license to carry a concealed pistol issued by
17 the county clerk authorizes the licensee to do all of the
18 following:

19 (a) Carry a pistol concealed on or about his or her person
20 ~~anywhere in this state.~~ **on the premises listed in section 5o.**

21 (b) Carry a pistol in a vehicle, whether concealed or not
22 concealed, anywhere in this state.

23 (4) The secretary of state shall make a digitized photograph
24 taken of the applicant for a driver license or personal
25 identification card available to the department for use under this
26 act. The department shall provide the photograph of the applicant
27 received from the secretary of state to the county clerk who shall
28 use the photograph on the individual's license unless the applicant
29 does not have a digitized photograph on file with the secretary of

1 state. If an applicant does not have a digitized photograph on file
2 with the secretary of state, the applicant shall provide a
3 passport-quality photograph of the applicant as provided under
4 section 5b(1).

5 Sec. 5f. (1) An individual who is licensed to carry a
6 concealed pistol shall have his or her license to carry that pistol
7 and his or her state-issued driver license or personal
8 identification card in his or her possession at all times he or she
9 is carrying a concealed pistol or a portable device that uses
10 electro-muscular disruption technology **on the premises listed in**
11 **section 5o.**

12 (2) An individual who is licensed to carry a concealed pistol
13 and who is carrying a concealed pistol or a portable device that
14 uses electro-muscular disruption technology **on the premises listed**
15 **in section 5o** shall show both of the following to a peace officer
16 upon request by that peace officer:

17 (a) His or her license to carry a concealed pistol.

18 (b) His or her state-issued driver license or personal
19 identification card.

20 (3) An individual licensed under this act to carry a concealed
21 pistol and who is carrying a concealed pistol or a portable device
22 that uses electro-muscular disruption technology and who is stopped
23 by a peace officer shall immediately disclose to the peace officer
24 that he or she is carrying a pistol or a portable device that uses
25 electro-muscular disruption technology concealed upon his or her
26 person or in his or her vehicle.

27 (4) An individual who violates subsection (1) or (2) is
28 responsible for a state civil infraction and shall be fined
29 \$100.00.

1 (5) An individual who violates subsection (3) is responsible
2 for a state civil infraction and shall be fined as follows:

3 (a) For a first offense, by a fine of \$500.00 and by the
4 individual's license to carry a concealed pistol being suspended
5 for 6 months.

6 (b) For a subsequent offense within 3 years of a prior
7 offense, by a fine of \$1,000.00 and by the individual's license to
8 carry a concealed pistol being revoked.

9 (6) If an individual is found responsible for a state civil
10 infraction under subsection (5), the peace officer shall notify the
11 department of state police of that civil infraction. The department
12 of state police shall notify the county clerk who issued the
13 license, who shall suspend or revoke that license. The county clerk
14 shall send notice by first-class mail of that suspension or
15 revocation to the individual's last known address as indicated in
16 the records of the county clerk. The department of state police
17 shall immediately enter that suspension or revocation into the law
18 enforcement information network.

19 (7) A pistol or portable device that uses electro-muscular
20 disruption technology carried in violation of this section is
21 subject to immediate seizure by a peace officer. If a peace officer
22 seizes a pistol or portable device that uses electro-muscular
23 disruption technology under this subsection, the individual has 45
24 days in which to display his or her license or documentation to an
25 authorized employee of the law enforcement entity that employs the
26 peace officer. If the individual displays his or her license or
27 documentation to an authorized employee of the law enforcement
28 entity that employs the peace officer within the 45-day period, the
29 authorized employee of that law enforcement entity shall return the

1 pistol or portable device that uses electro-muscular disruption
2 technology to the individual unless the individual is prohibited by
3 law from possessing a firearm or portable device that uses electro-
4 muscular disruption technology. If the individual does not display
5 his or her license or documentation within the 45-day period, the
6 pistol or portable device that uses electro-muscular disruption
7 technology is subject to forfeiture as provided in section 5g. A
8 pistol or portable device that uses electro-muscular disruption
9 technology is not subject to immediate seizure under this
10 subsection if both of the following circumstances exist:

11 (a) The individual has his or her state-issued driver license
12 or personal identification card in his or her possession when the
13 violation occurs.

14 (b) The peace officer verifies through the law enforcement
15 information network that the individual is licensed to carry a
16 concealed pistol.

17 (8) As used in this section, "peace officer" includes a motor
18 carrier officer appointed under section 6d of 1935 PA 59, MCL
19 28.6d, and security personnel employed by the state under section
20 6c of 1935 PA 59, MCL 28.6c.

21 Sec. 5o. (1) ~~Subject to subsection (5), an~~ **An individual who**
22 **is not** licensed under this act to carry a concealed pistol, or who
23 is **not** exempt from licensure under section 12a(h), shall not carry
24 a concealed pistol on the premises of any of the following:

25 (a) A school or school property except that a parent or legal
26 guardian of a student of the school is not precluded from carrying
27 a concealed pistol while in a vehicle on school property, if he or
28 she is dropping the student off at the school or picking up the
29 student from the school. As used in this section, "school" and

1 "school property" mean those terms as defined in section 237a of
2 the Michigan penal code, 1931 PA 328, MCL 750.237a.

3 (b) A public or private child care center or day care center,
4 public or private child caring institution, or public or private
5 child placing agency.

6 (c) A sports arena or stadium.

7 (d) A bar or tavern licensed under the Michigan liquor control
8 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
9 primary source of income of the business is the sale of alcoholic
10 liquor by the glass and consumed on the premises. This subdivision
11 does not apply to an owner or employee of the business. The
12 Michigan liquor control commission shall develop and make available
13 to holders of licenses under the Michigan liquor control code of
14 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
15 stating that "This establishment prohibits patrons from carrying
16 concealed weapons". The owner or operator of an establishment
17 licensed under the Michigan liquor control code of 1998, 1998 PA
18 58, MCL 436.1101 to 436.2303, may post the sign developed under
19 this subdivision.

20 (e) Any property or facility owned or operated by a church,
21 synagogue, mosque, temple, or other place of worship, unless the
22 presiding official or officials of the church, synagogue, mosque,
23 temple, or other place of worship permit the carrying of concealed
24 pistol on that property or facility.

25 (f) An entertainment facility with a seating capacity of 2,500
26 or more individuals that the individual knows or should know has a
27 seating capacity of 2,500 or more individuals or that has a sign
28 above each public entrance stating in letters not less than 1-inch
29 high a seating capacity of 2,500 or more individuals.

1 (g) A hospital.

2 (h) A dormitory or classroom of a community college, college,
3 or university.

4 ~~(2) Subject to subsection (5), an~~ **An individual who is not**
5 **licensed under this act to carry a concealed pistol, or who is not**
6 **exempt from licensure under section 12a(h)**, shall not carry a
7 portable device that uses electro-muscular disruption technology on
8 any of the premises described in subsection (1).

9 (3) An individual licensed under this act to carry a concealed
10 pistol, or who is exempt from licensure under section 12a(h), shall
11 not carry a concealed pistol in violation of R 432.1212 of the
12 Michigan Administrative Code promulgated under the Michigan gaming
13 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

14 (4) As used in subsection (1), "premises" does not include
15 parking areas of the places identified under subsection (1).

16 ~~(5) Subsections (1) and (2) do not apply to any of the~~
17 ~~following:~~

18 ~~(a) An individual licensed under this act who is a retired~~
19 ~~police officer, retired law enforcement officer, or retired federal~~
20 ~~law enforcement officer.~~

21 ~~(b) An individual who is licensed under this act and who is~~
22 ~~employed or contracted by an entity described under subsection (1)~~
23 ~~to provide security services and is required by his or her employer~~
24 ~~or the terms of a contract to carry a concealed firearm on the~~
25 ~~premises of the employing or contracting entity.~~

26 ~~(c) An individual who is licensed as a private investigator or~~
27 ~~private detective under the professional investigator licensure~~
28 ~~act, 1965 PA 285, MCL 338.821 to 338.851.~~

29 ~~(d) An individual who is licensed under this act and who is a~~

1 ~~corrections officer of a county sheriff's department or who is~~
2 ~~licensed under this act and is a retired corrections officer of a~~
3 ~~county sheriff's department, if that individual has received county~~
4 ~~sheriff approved weapons training.~~

5 ~~(e) An individual who is licensed under this act and who is a~~
6 ~~motor carrier officer or capitol security officer of the department~~
7 ~~of state police.~~

8 ~~(f) An individual who is licensed under this act and who is a~~
9 ~~member of a sheriff's posse.~~

10 ~~(g) An individual who is licensed under this act and who is an~~
11 ~~auxiliary officer or reserve officer of a police or sheriff's~~
12 ~~department.~~

13 ~~(h) An individual who is licensed under this act and who is~~
14 ~~any of the following:~~

15 ~~(i) A parole, probation, or corrections officer, or absconder~~
16 ~~recovery unit member, of the department of corrections, if that~~
17 ~~individual has obtained a Michigan department of corrections~~
18 ~~weapons permit.~~

19 ~~(ii) A retired parole, probation, or corrections officer, or~~
20 ~~retired absconder recovery unit member, of the department of~~
21 ~~corrections, if that individual has obtained a Michigan department~~
22 ~~of corrections weapons permit.~~

23 ~~(i) A state court judge or state court retired judge who is~~
24 ~~licensed under this act.~~

25 ~~(j) An individual who is licensed under this act and who is a~~
26 ~~court officer.~~

27 ~~(k) An individual who is licensed under this act and who is a~~
28 ~~peace officer.~~

29 **(5)** ~~(6)~~ An individual who violates this section is responsible

1 for a state civil infraction or guilty of a crime as follows:

2 (a) Except as provided in subdivisions (b) and (c), the
3 individual is responsible for a state civil infraction and may be
4 fined not more than \$500.00. ~~The court shall order the individual's~~
5 ~~license to carry a concealed pistol suspended for 6 months.~~

6 (b) For a second violation, the individual is guilty of a
7 misdemeanor punishable by a fine of not more than \$1,000.00. ~~The~~
8 ~~court shall order the individual's license to carry a concealed~~
9 ~~pistol revoked.~~

10 (c) For a third or subsequent violation, the individual is
11 guilty of a felony punishable by imprisonment for not more than 4
12 years or a fine of not more than \$5,000.00, or both. ~~The court~~
13 ~~shall order the individual's license to carry a concealed pistol~~
14 ~~revoked.~~

15 Sec. 12. (1) Section 2 does not apply to any of the following:

16 (a) A police or correctional agency of the United States or of
17 this state or any subdivision of this state.

18 (b) The United States ~~army, air force, navy,~~ **Army, Air Force,**
19 **Navy,** or ~~marine corps.~~ **Marine Corps.**

20 (c) An organization authorized by law to purchase or receive
21 weapons from the United States or from this state.

22 (d) The ~~national guard, armed forces reserves,~~ **National Guard,**
23 **United States Armed Forces Reserves,** or other duly authorized
24 military organization.

25 (e) A member of an entity or organization described in
26 subdivisions (a) through (d) for a pistol while engaged in the
27 course of his or her duties with that entity or while going to or
28 returning from those duties.

29 (f) A United States citizen holding a license to carry a

1 pistol concealed upon his or her person issued by another state.

2 (g) The regular and ordinary possession and transportation of
3 a pistol as merchandise by an authorized agent of a person licensed
4 to manufacture firearms or a licensed dealer.

5 (h) Purchasing, owning, carrying, possessing, using, or
6 transporting an antique firearm. As used in this subdivision,
7 "antique firearm" means that term as defined in section ~~231a-237a~~
8 of the Michigan penal code, 1931 PA 328, MCL ~~750.231a-750.237a~~.

9 (i) An individual carrying, possessing, using, or transporting
10 a pistol belonging to another individual, if the other individual's
11 possession of the pistol is authorized by law and the individual
12 carrying, possessing, using, or transporting the pistol has
13 obtained a license under section 5b to carry a concealed pistol or
14 is exempt from licensure as provided in section 12a.

15 (2) The amendatory act that added subsection (1)(h) shall be
16 known and may be cited as the "Janet Kukuk act".

17 Sec. 12a. The ~~requirements of this act~~ **restrictions** for
18 ~~obtaining a license to carry~~ **carrying** a concealed pistol **on the**
19 **premises listed in section 5o** do not apply to any of the following:

20 (a) A peace officer of a duly authorized police agency of the
21 United States or of this state or a political subdivision of this
22 state, who is regularly employed and paid by the United States or
23 this state or a subdivision of this state, except a township
24 constable.

25 (b) A constable who is trained and licensed or certified under
26 the Michigan commission on law enforcement standards act, 1965 PA
27 203, MCL 28.601 to 28.615, while engaged in his or her official
28 duties or going to or coming from his or her official duties, and
29 who is regularly employed and paid by a political subdivision of

1 this state.

2 (c) An individual regularly employed by the department of
3 corrections and authorized in writing by the director of the
4 department of corrections to carry a concealed pistol during the
5 performance of his or her duties or while going to or returning
6 from his or her duties.

7 (d) An individual regularly employed as a local corrections
8 officer by a county sheriff, who is trained in the use of force and
9 is authorized in writing by the county sheriff to carry a concealed
10 pistol during the performance of his or her duties.

11 (e) An individual regularly employed in a city jail or lockup
12 who has custody of individuals detained or incarcerated in the jail
13 or lockup, is trained in the use of force, and is authorized in
14 writing by the chief of police or the county sheriff to carry a
15 concealed pistol during the performance of his or her duties.

16 (f) A member of the United States Army, Air Force, Navy, or
17 Marine Corps while carrying a concealed pistol in the line of duty.

18 (g) A member of the National Guard, ~~armed forces reserves,~~
19 **United States Armed Forces Reserves**, or other duly authorized
20 military organization while on duty or drill or while going to or
21 returning from his or her place of assembly or practice or while
22 carrying a concealed pistol for purposes of that military
23 organization.

24 (h) A resident of another state who is licensed by that state
25 to carry a concealed pistol.

26 (i) The regular and ordinary transportation of a pistol as
27 merchandise by an authorized agent of a person licensed to
28 manufacture firearms.

29 (j) An individual while carrying a pistol unloaded in a

1 wrapper or container in the trunk of his or her vehicle or, if the
2 vehicle does not have a trunk, from transporting that pistol
3 unloaded in a locked compartment or container that is separated
4 from the ammunition for that pistol from the place of purchase to
5 his or her home or place of business or to a place of repair or
6 back to his or her home or place of business, or in moving goods
7 from 1 place of abode or business to another place of abode or
8 business.

9 (k) A peace officer or law enforcement officer from Canada.

10 Sec. 15. (1) Except as provided in subsection (2), a federally
11 licensed firearms dealer shall not sell a firearm in this state
12 unless the sale includes 1 of the following:

13 (a) A commercially available trigger lock or other device
14 designed to disable the firearm and prevent the discharge of the
15 firearm.

16 (b) A commercially available gun case or storage container
17 that can be secured to prevent unauthorized access to the firearm.

18 (2) This section does not apply to any of the following:

19 (a) The sale of a firearm to a police officer or a police
20 agency.

21 (b) The sale of a firearm to a person ~~who~~**that** presents to the
22 federally licensed firearms dealer 1 of the following:

23 (i) A trigger lock or other device designed to disable the
24 firearm and prevent the discharge of the firearm together with a
25 copy of the purchase receipt for the federally licensed firearms
26 dealer to keep. A separate trigger lock or device and a separate
27 purchase receipt ~~shall be~~**is** required for each firearm purchased.

28 (ii) A gun case or storage container that can be secured to
29 prevent unauthorized access to the firearm together with a copy of

1 the purchase receipt for the federally licensed firearms dealer to
2 keep. A separate gun case or storage container and a separate
3 purchase receipt ~~shall be~~ **is** required for each firearm purchased.

4 (c) The sale of an antique firearm. As used in this
5 subdivision, "antique firearm" means that term as defined in
6 section ~~231a-237a~~ of the Michigan penal code, 1931 PA 328, MCL
7 ~~750.231a-750.237a~~.

8 (d) The sale or transfer of a firearm if the seller is not a
9 federally licensed firearms dealer.

10 (3) A federally licensed firearms dealer shall not sell a
11 firearm in this state unless the firearm is accompanied with, free
12 of charge, a brochure or pamphlet that includes safety information
13 on the use and storage of the firearm in a home environment.

14 (4) Upon the sale of a firearm, a federally licensed firearms
15 dealer shall sign a statement and require the purchaser to sign a
16 statement stating that the sale is in compliance with subsections
17 (1), (2), and (3).

18 (5) A federally licensed firearms dealer shall retain a copy
19 of the signed statements prescribed in subsection (4) and, if
20 applicable, a copy of the receipt prescribed in subsection (2)(b),
21 for at least 6 years.

22 (6) A federally licensed firearms dealer in this state shall
23 post in a conspicuous manner at the entrances, exits, and all
24 points of sale on the premises where firearms are sold a notice
25 that says the following: "You may be criminally and civilly liable
26 for any harm caused by a person less than 18 years of age who
27 lawfully gains unsupervised access to your firearm if unlawfully
28 stored.".

29 (7) A federally licensed firearms dealer is not liable for

1 damages arising from the use or misuse of a firearm if the sale
2 complies with this section, any other applicable law of this state,
3 and applicable federal law.

4 (8) This section does not create a civil action or liability
5 for damages arising from the use or misuse of a firearm or
6 ammunition for a person, other than a federally licensed firearms
7 dealer, who produces a firearm or ammunition.

8 (9) Subject to subsections (10) to (12), a political
9 subdivision shall not bring a civil action against any person who
10 produces a firearm or ammunition. The authority to bring a civil
11 action under this section is reserved exclusively to the state and
12 can be brought only by the attorney general. The court shall award
13 costs and reasonable attorney fees to each defendant named in a
14 civil action filed in violation of this subsection.

15 (10) Subject to subsection (11), subsection (9) does not
16 prohibit a civil action by a political subdivision based on 1 or
17 more of the following, which the court shall narrowly construe:

18 (a) A breach of contract, other contract issue, or an action
19 based on a provision of the uniform commercial code, 1962 PA 174,
20 MCL 440.1101 to ~~440.11102~~, **440.9994**, in which the political
21 subdivision is the purchaser and owner of the firearm or
22 ammunition.

23 (b) Expressed or implied warranties arising from the purchase
24 of a firearm or ammunition by the political subdivision or the use
25 of a firearm or ammunition by an employee or agent of the political
26 subdivision.

27 (c) A product liability, personal injury, or wrongful death
28 action when an employee or agent or property of the political
29 subdivision has been injured or damaged as a result of a defect in

1 the design or manufacture of the firearm or ammunition purchased
2 and owned by the political subdivision.

3 (11) Subsection (10) does not allow an action based on any of
4 the following:

5 (a) A firearm's or ammunition's inherent potential to cause
6 injury, damage, or death.

7 (b) Failure to warn the purchaser, transferee, or user of the
8 firearm's or ammunition's inherent potential to cause injury,
9 damage, or death.

10 (c) Failure to sell with or incorporate into the product a
11 device or mechanism to prevent a firearm or ammunition from being
12 discharged by an unauthorized person unless specifically provided
13 for by contract.

14 (12) Subsections (9) through (11) do not create a civil
15 action.

16 (13) Subsections (9) through (11) are intended only to clarify
17 the current status of the law in this state, are remedial in
18 nature, and, therefore, apply to a civil action pending on the
19 effective date of this act.

20 (14) Beginning September 1, 2000, a person who violates this
21 section is guilty of a crime as follows:

22 (a) Except as provided in subdivision (b) or (c), the person
23 is guilty of a misdemeanor punishable by imprisonment for not more
24 than 93 days or a fine of not more than \$500.00, or both.

25 (b) For a second conviction, the person is guilty of a
26 misdemeanor punishable by imprisonment for not more than 1 year or
27 a fine of not more than \$1,000.00, or both.

28 (c) For a third or subsequent conviction, the person is guilty
29 of a felony punishable by imprisonment for not more than 2 years or

1 a fine of not more than \$5,000.00, or both.

2 (15) As used in this section:

3 (a) "Federally licensed firearms dealer" means a person
4 licensed under ~~section 923 of title 18 of the United States Code,~~
5 18 ~~U.S.C.~~ **USC** 923.

6 (b) "Firearm or ammunition" includes a component of a firearm
7 or ammunition.

8 (c) "Person" means an individual, partnership, corporation,
9 association, or other legal entity.

10 (d) "Political subdivision" means a county, city, village,
11 township, charter township, school district, community college, or
12 public university or college.

13 (e) "Produce" means to manufacture, construct, design,
14 formulate, develop standards for, prepare, process, assemble,
15 inspect, test, list, certify, give a warning or instructions
16 regarding, market, sell, advertise, package, label, distribute, or
17 transfer.