

Act No. 37
Public Acts of 2023
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Breen, Morse, Skaggs, Rogers, Brixie, Rheingans, Glanville, Neeley, Arbit, Hood, Price, Young, Brabec, Martus, Wegela, Pohutsky, Byrnes, Hope, Morgan, MacDonell, Puri, Stone, Weiss, Liberati, Scott, McKinney, Koleszar, Mentzer, Edwards, Hoskins, O'Neal, Brenda Carter, Tyrone Carter, Dievendorf, Tsernoglou, Wilson, Conlin, Snyder, Fitzgerald, Paiz, Whitsett, Farhat, McFall, Steckloff and Aiyash

ENROLLED HOUSE BILL No. 4146

AN ACT 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 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), sections 2 and 2b as amended by 2023 PA 19 and sections 5b and 8 as amended by 2017 PA 95.

The People of the State of Michigan enact:

Sec. 2. (1) Except as otherwise provided in this act, a person shall not do either of the following:

(a) Purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

(b) Purchase a firearm that is not a pistol in this state without first having obtained a license for the firearm as prescribed in this section. This subdivision does not apply to the purchase or acquisition of a firearm that occurred before the effective date of the amendatory act that added this subdivision.

(2) An individual who brings a firearm into this state who is on leave from active duty with the Armed Forces of the United States or who has been discharged from active duty with the Armed Forces of the United States shall obtain a license for the firearm not later than 30 days after the individual arrives in this state.

(3) The commissioner or chief of police of a city, township, or village police department who issues licenses to purchase, carry, possess, or transport firearms, or the commissioner's or chief's duly authorized deputy, or the sheriff or the sheriff's duly authorized deputy, in the parts of a county not included in a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, possess, or transport firearms to qualified applicants unless the

individual has probable cause to believe that the applicant would be a threat to the applicant or to other individuals, or would commit an offense with the firearm that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The individual is not subject to an order or disposition for which the individual has received notice and an opportunity for a hearing, and that was entered into the law enforcement information network under any of the following:

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

(ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.

(iii) Section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(iv) Section 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950a.

(v) Section 14 of 1846 RS 84, MCL 552.14.

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

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

(viii) The extreme risk protection order act.

(b) The individual is 18 years of age or older or, if the firearm is a pistol and the seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The individual is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, an individual is considered a legal resident of this state if any of the following apply:

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

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

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

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

(d) A felony charge or a criminal charge listed in section 5b against the individual is not pending at the time of application.

(e) The individual is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

(f) The individual has not been adjudged insane in this state or elsewhere unless the individual has been adjudged restored to sanity by court order.

(g) The individual is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The individual has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to an individual who has had the individual's legal capacity restored by order of the court.

(4) An applicant for a license under this section shall sign the application under oath on a form provided by the director of the department of state police. A licensing authority shall issue a license to purchase, carry, possess, or transport firearms in triplicate on a form provided by the director of the department of state police. The licensing authority shall sign any license issued under this section. The licensing authority shall deliver 3 copies of the license to the applicant. A license is void unless used within 30 days after the date it is issued.

(5) If an individual purchases or otherwise acquires a firearm, the seller shall fill out the license forms describing the firearm, together with the date of sale or acquisition, and sign the seller's name in ink indicating that the firearm was sold to or otherwise acquired by the purchaser. The purchaser shall also sign the purchaser's name in ink indicating the purchase or other acquisition of the firearm from the seller. The seller may retain a copy of the license as a record of the transaction, shall provide a copy of the license to the purchaser, and, if the firearm is a pistol, shall return 1 copy of the license to the licensing authority not later than 10 days after the date the pistol is purchased or acquired. The seller shall return the copy to the licensing authority in person or by first-class mail or certified mail sent in the 10-day period to the proper address of the licensing authority. A seller who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a seller is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police of that determination.

(6) Not later than 10 days after receiving the license copy for a pistol returned under subsection (5), the licensing authority shall electronically enter the information into the pistol entry database as required by the department of state police if the licensing authority has the ability to electronically enter that information. If the licensing authority does not have that ability, the licensing authority shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any licensing authority that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Not later than 48 hours after entering or otherwise providing the information on the license copy returned under subsection (5) to the department of state police, the licensing authority shall forward the copy of the license to the department of state police. The purchaser may obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The licensing authority may charge a fee not to exceed \$1.00 for the cost of providing the copy. The licensee may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while the licensee is in possession of a copy of the license. However, the licensee is not required to have the license in the licensee's possession while carrying, using, possessing, or transporting the pistol after this period.

(7) This section does not apply to the purchase of firearms from wholesalers by dealers regularly engaged in the business of selling firearms at retail, or to the sale, barter, or exchange of firearms kept as relics or curios not made for modern ammunition or permanently deactivated.

(8) This section does not prevent the transfer of ownership of pistols to an heir or devisee, whether by testamentary bequest or by the laws of intestacy regardless of whether the pistol is entered into the pistol entry database. An individual who has inherited a firearm shall obtain a license as required in this section not later than 30 days after taking physical possession of the firearm. The license may be signed by a next of kin of the decedent or the person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, including when the next of kin is the individual inheriting the firearm. If the heir or devisee is not qualified for a license under this section, the heir or devisee may direct the next of kin or person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose of the firearm in any manner that is lawful and the heir or devisee considers appropriate. The person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not required to obtain a license under this section if the person takes temporary lawful possession of the firearm in the process of disposing of the firearm pursuant to the decedent's testamentary bequest or the laws of intestacy. A law enforcement agency may not seize or confiscate a firearm being transferred by testamentary bequest or the laws of intestacy unless the heir or devisee does not qualify for obtaining a license under this section and the next of kin or person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable to retain temporary possession of the firearm or find alternative lawful storage. If a law enforcement agency seizes or confiscates a firearm under this subsection, the heir or devisee who is not qualified to obtain a license under this section retains ownership interest in the firearm and, not later than 30 days after being notified of the seizure or confiscation, may file with a court of competent jurisdiction to direct the law enforcement agency to lawfully transfer or otherwise dispose of the firearm. The seizing entity or its agents shall not destroy, sell, or use a firearm seized under this subsection until 30 days have passed since the heir or devisee has been notified of the seizure and no legal action regarding the lawful possession or ownership of the seized firearm has been filed in any court and is pending. As used in this subsection:

(a) "Devisee" means that term as defined in section 1103 of the estates and protected individuals code, 1998 PA 386, MCL 700.1103.

(b) "Heir" means that term as defined in section 1104 of the estates and protected individuals code, 1998 PA 386, MCL 700.1104.

(9) An individual who is not a resident of this state is not required to obtain a license under this section if all of the following conditions apply:

(a) The individual is licensed in the individual's state of residence to purchase, carry, or transport a pistol.

(b) The individual is in possession of the license described in subdivision (a).

(c) The individual is the owner of the pistol the individual possesses, carries, or transports.

(d) The individual possesses the pistol for a lawful purpose.

(e) The individual is in this state for a period of 180 days or less and does not intend to establish residency in this state.

(10) An individual who is a nonresident of this state shall present the license described in subsection (9)(a) upon the demand of a police officer. An individual who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

(11) The licensing authority may require an individual claiming active duty status with the Armed Forces of the United States to provide proof of 1 or both of the following:

- (a) The individual's home of record.
- (b) Permanent active duty assignment in this state.

(12) This section does not apply to an individual who is younger than the age required under subsection (3)(b) and who possesses a pistol if 1 of the following conditions applies:

- (a) The individual is not otherwise prohibited from possessing that pistol and all of the following apply:
 - (i) The individual is at a recognized target range.

(ii) The individual possesses the pistol for the purpose of target practice or instruction in the safe use of a pistol.

(iii) The individual is in the physical presence and under the direct supervision of any of the following:

- (A) The individual's parent.
- (B) The individual's guardian.

(C) An individual who is 21 years of age or older, who is authorized by the individual's parent or guardian, and who has successfully completed a pistol safety training course or class that meets the requirements of section 5j(1)(a), (b), or (d), and received a certificate of completion.

(iv) The owner of the pistol is physically present.

(b) The individual is not otherwise prohibited from possessing that pistol, the individual possesses the pistol for the purpose of hunting, and the individual is in compliance with all applicable hunting laws.

(13) This section does not apply to an individual who possesses a pistol if all of the following conditions apply:

- (a) The individual is not otherwise prohibited from possessing a pistol.
- (b) The individual is at a recognized target range or shooting facility.
- (c) The individual possesses the pistol for the purpose of target practice or instruction in the safe use of a pistol.
- (d) The owner of the pistol is physically present and supervising the use of the pistol.

(14) A person that forges any matter on an application for a license under this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(15) A licensing authority shall implement this section during all of the licensing authority's normal business hours and shall set hours for implementation that allow an applicant to use the license within the time period set forth in subsection (4).

Sec. 2b. (1) Except as provided in subsection (5), upon entry of an order or disposition into the law enforcement information network under any provision of law described in section 2(3)(a), the department of state police shall immediately send written notice of that entry to the individual who is the subject of the order or disposition by first-class mail to the last known address of the individual. The notice must include at least all of the following:

- (a) The name of the individual.
- (b) The date the order or disposition was entered into the law enforcement information network.
- (c) A statement that the individual cannot obtain a license to purchase a firearm or obtain a concealed weapon license until the order or disposition is removed from the law enforcement information network.
- (d) A statement that the individual may request that the state police correct or expunge inaccurate information entered into the law enforcement information network.

(2) An individual who is the subject of an order entered into the law enforcement information network under any provision of law described in section 2(3)(a) may request that the department of state police do either of the following:

(a) Amend an inaccuracy in the information entered into the law enforcement information network under any provision of law described in section 2(3)(a).

(b) Expunge the individual's name and other information concerning the individual from the law enforcement information network regarding 1 or more specific entries in the law enforcement information network under any provision of law described in section 2(3)(a) because 1 or more of the following circumstances exist:

(i) The individual is not subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(ii) The individual is not subject to an order or disposition determining that the individual is legally incapacitated.

(iii) The individual is not subject to a personal protection order issued under any of the following:

(A) Section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(B) Section 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950a.

(C) Section 14 of 1846 RS 84, MCL 552.14.

(iv) The individual is not subject to an order for release subject to protective conditions that prohibits the purchase or possession of a firearm by the individual issued under section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.

(v) The individual is not subject to an extreme risk protection order issued under the extreme risk protection order act.

(3) Before the expiration of 30 days after a request is made to amend an inaccuracy in the law enforcement information network under subsection (2)(a) or to expunge 1 or more specific entries from the law enforcement information network under subsection (2)(b)(i) to (v), the department of state police shall conduct an investigation concerning the accuracy of the information contained in the law enforcement information network, either grant or deny the request and provide the individual with written notice of that grant or denial. The department of state police shall include in a notice of denial a statement specifying the basis of the denial, and that an individual may appeal the denial in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) If the department of state police denies a request by an individual for amendment or expunction under subsection (2), or fails to act within 30 days after receiving the request under subsection (2), the individual may request a hearing before a hearing officer appointed by the department of state police for a determination of whether information entered into the law enforcement information network should be amended or expunged because it is inaccurate or false. The department of state police shall conduct the hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) The department of state police shall not send written notice of an entry of an order or disposition into the law enforcement information network as required for a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or an extreme risk protection order issued under the extreme risk protection order act, until the department has received notice that the respondent of the order has been served with or has received notice of the personal protection order or extreme risk protection order.

Sec. 5b. (1) To obtain a license to carry a concealed pistol, an individual shall apply to the county clerk in the county in which the individual resides. The applicant shall file the application with the county clerk in the county in which the applicant resides during the county clerk's normal business hours. The application must be on a form provided by the director of the department of state police and allow the applicant to designate whether the applicant seeks an emergency license. The applicant shall sign the application under oath. The county clerk or the county clerk's representative shall administer the oath. An application under this subsection is not considered complete until an applicant submits all of the required information and fees and has fingerprints taken under subsection (9). An application under this subsection is considered withdrawn if an applicant does not have fingerprints taken under subsection (9) within 45 days after the date an application is filed under this subsection. A completed application and all receipts issued under this section expire 1 year after the date of application. The county clerk shall issue the applicant a receipt for the applicant's application at the time the application is submitted containing the name of the applicant, the applicant's state-issued driver license or personal identification card number, the date and time the receipt is issued, the amount paid, the name of the county in which the receipt is issued, an impression of the county seal, and the statement, "This receipt was issued for the purpose of applying for a concealed pistol license and for obtaining fingerprints related to that application. This receipt does not authorize an individual to carry a concealed pistol in this state.". The application must contain all of the following:

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

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

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

(d) A statement by the applicant regarding whether the applicant has a history of mental illness that would disqualify the applicant under subsection (7)(j) to (l) from receiving a license to carry a concealed pistol.

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

(i) Any felony.

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

(f) A statement by the applicant whether the applicant has been dishonorably discharged from the Armed Forces of the United States.

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

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

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

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

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

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

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

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

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

(b) The applicant is a citizen of the United States or is an alien lawfully admitted into the United States, is a legal resident of this state, and has resided in this state for not less than the 6 months immediately preceding the date of application. The county clerk shall waive the 6-month residency requirement for an emergency license under section 5a(4) if the applicant is a petitioner for a personal protection order issued under section 2950 or 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or if the county sheriff determines that there is clear and convincing evidence to believe that the safety of the applicant or the safety of a member of the applicant's family or household is endangered by the applicant's inability to immediately obtain a license to carry a concealed pistol. If the applicant holds a valid concealed pistol license issued by another state at the time the applicant's residency in this state is established, the county clerk shall waive the 6-month residency requirement and the applicant may apply for a concealed pistol license at the time the applicant's residency in this state is established. For the purposes of this section, an individual is considered a legal resident of this state if any of the following apply:

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

- (ii) The individual is lawfully registered to vote in this state.
- (iii) The individual is on active duty status with the Armed Forces of the United States and is stationed outside of this state, but the individual's home of record is in this state.
- (iv) The individual is on active duty status with the Armed Forces of the United States and is permanently stationed in this state, but the individual's home of record is in another state.
- (c) The applicant has knowledge and has had training in the safe use and handling of a pistol by the successful completion of a pistol safety training course or class that meets the requirements of section 5j.
- (d) Based solely on the report received from the department of state police under subsection (6), the applicant is not the subject of an order or disposition under any of the following:
 - (i) Section 464a of the mental health code, 1974 PA 258, MCL 330.1464a.
 - (ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107.
 - (iii) Sections 2950 and 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.
 - (iv) Section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, if the order has a condition imposed under section 6b(3) of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b.
 - (v) Section 16b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16b.
 - (vi) The extreme risk protection order act.
- (e) Based solely on the report received from the department of state police under subsection (6), the applicant is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.
- (f) Based solely on the report received from the department of state police under subsection (6), the applicant has never been convicted of a felony in this state or elsewhere, and a felony charge against the applicant is not pending in this state or elsewhere at the time the applicant applies for a license described in this section.
- (g) The applicant has not been dishonorably discharged from the Armed Forces of the United States.
- (h) Based solely on the report received from the department of state police under subsection (6), the applicant has not been convicted of a misdemeanor violation of any of the following in the 8 years immediately preceding the date of application and a charge for a misdemeanor violation of any of the following is not pending against the applicant in this state or elsewhere at the time the applicant applies for a license described in this section:
 - (i) Section 617a (failing to stop when involved in a personal injury accident), section 625 as punishable under subsection (9)(b) of that section (operating while intoxicated, second offense), section 625m as punishable under subsection (4) of that section (operating a commercial vehicle with alcohol content, second offense), section 626 (reckless driving), or a violation of section 904(1) (operating while license suspended or revoked, second or subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, 257.625, 257.625m, 257.626, and 257.904.
 - (ii) Section 185(7) of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under the influence of intoxicating liquor or a controlled substance with prior conviction).
 - (iii) Section 29 of the weights and measures act, 1964 PA 283, MCL 290.629 (hindering or obstructing certain persons performing official weights and measures duties).
 - (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL 290.650 (hindering, obstructing, assaulting, or committing bodily injury upon director or authorized representative).
 - (v) Section 80176 as punishable under section 80177(1)(b) (operating vessel under the influence of intoxicating liquor or a controlled substance, second offense), section 81134 as punishable under subsection (8)(b) of that section (operating ORV under the influence of intoxicating liquor or a controlled substance, second or subsequent offense), or section 82127 as punishable under section 82128(1)(b) (operating snowmobile under the influence of intoxicating liquor or a controlled substance, second offense) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.
 - (vi) Section 7403 of the public health code, 1978 PA 368, MCL 333.7403 (possession of controlled substance, controlled substance analogue, or prescription form).
 - (vii) Section 353 of the railroad code of 1993, 1993 PA 354, MCL 462.353, punishable under subsection (4) of that section (operating locomotive under the influence of intoxicating liquor or a controlled substance, or while visibly impaired, second offense).
 - (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually explicit matter to minors).
 - (ix) Section 81 (assault or domestic assault), section 81a(1) or (2) (aggravated assault or aggravated domestic assault), section 115 (breaking and entering or entering without breaking), section 136b(7) (fourth degree child abuse), section 145n (vulnerable adult abuse), section 157b(3)(b) (solicitation to commit a felony), section 215

(impersonating peace officer or medical examiner), section 223 (illegal sale of a firearm or ammunition), section 224d (illegal use or sale of a self-defense spray), section 227c (improper transportation of a loaded firearm), section 229 (accepting a pistol in pawn), section 232a (improperly obtaining a pistol, making a false statement on an application to purchase a pistol, or using false identification to purchase a pistol), section 233 (intentionally aiming a firearm without malice), section 234 (intentionally discharging a firearm aimed without malice), section 234d (possessing a firearm on prohibited premises), section 234e (brandishing a firearm in public), section 234f (possession of a firearm by an individual less than 18 years of age), section 235 (intentionally discharging a firearm aimed without malice causing injury), section 235a (parent of a minor who possessed a firearm in a weapon free school zone), section 236 (setting a spring gun or other device), section 237 (possessing a firearm while under the influence of intoxicating liquor or a controlled substance), section 237a (weapon free school zone violation), section 335a (indecent exposure), section 411h (stalking), or section 520e (fourth degree criminal sexual conduct) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d, 750.227c, 750.229, 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and 750.520e.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) An individual, after submitting an application and paying the fee prescribed under subsection (5), shall request that classifiable fingerprints be taken by a county clerk, the department of state police, a county sheriff, a local police agency, or other entity, if the county clerk, department of state police, county sheriff, local police agency, or other entity provides fingerprinting capability for the purposes of this act. An individual who has had classifiable fingerprints taken under section 5a(4) does not need additional fingerprints taken under this subsection. If the individual requests that classifiable fingerprints be taken by the county clerk, department of state police, county sheriff, a local police agency, or other entity, the individual shall also pay a fee of \$15.00 by any method of payment accepted for payments of other fees and penalties. A county clerk shall deposit any fee it accepts under this subsection in the concealed pistol licensing fund of that county created in section 5x. The county clerk, department of state police, county sheriff, local police agency, or other entity shall take the fingerprints within 5 business days after the request. County clerks, the department of state police, county sheriffs, local police agencies, and other entities shall provide reasonable access to fingerprinting services during normal business hours as is necessary to comply with the requirements of this act if the county clerk, department of state police, county sheriff, local police agency, or other entity provides fingerprinting capability for the purposes of this act. The entity providing fingerprinting services shall issue the individual a receipt at the time the individual's fingerprints are taken. The county clerk, department of state police, county sheriff, local police agency, or other entity shall not provide a receipt under this subsection unless the individual requesting the fingerprints provides an application receipt received under subsection (1). A receipt under this subsection must contain all of the following:

(a) The name of the individual.

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

(c) The amount paid.

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

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

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

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

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

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

(13) Subject to subsection (10), the department of state police shall complete the verification required under subsection (6) and the county clerk shall issue a license or a notice of statutory disqualification not later than 45 days after the date the individual has classifiable fingerprints taken under subsection (9). The county clerk shall include an indication on the license if an individual is exempt from the prohibitions against carrying a concealed pistol on premises described in section 5o if the applicant provides acceptable proof that the applicant qualifies for that exemption. If the county clerk receives notice from a county sheriff or chief law enforcement officer that a licensee is no longer a member of a sheriff's posse, an auxiliary officer, or a reserve officer, the county clerk shall notify the licensee that the licensee shall surrender the concealed pistol license indicating that the individual is exempt from the prohibitions against carrying a concealed pistol on premises described in section 5o. The licensee shall, not later than 30 days after receiving notice from the county clerk, surrender the license indicating that the individual is exempt from the prohibitions against carrying a concealed pistol on premises described in section 5o and obtain a replacement license after paying the fee required under subsection (15). If the county clerk issues a notice of statutory disqualification, the county clerk shall, not later than 5 business days after that notice, do all of the following:

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

(i) A statement of each statutory disqualification identified.

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

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

(b) Inform the individual in writing of the individual's right to appeal the denial or notice of statutory disqualification to the circuit court as provided in section 5d.

(c) Inform the individual that the individual should contact the source of the record for any statutory disqualification to correct any errors in the record resulting in the statutory disqualification.

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

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

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

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

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

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

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

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

(22) As used in this section:

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

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

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

(iii) For an individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851, the individual's license.

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

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

(vi) For an individual who is a motor carrier officer or capitol security officer of the department of state police, the individual's employee identification.

(vii) For an individual who is a member of a sheriff's posse, the individual's identification.

(viii) For an individual who is an auxiliary officer or reserve officer of a police or sheriff's department, the individual's employee identification.

(ix) For an individual who is a parole, probation, or corrections officer, or absconder recovery unit member, of the department of corrections, the individual's employee identification and proof that the individual obtained a Michigan department of corrections weapons permit.

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

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

(xii) For an individual who is a court officer, the individual's employee identification.

(xiii) For a retired federal law enforcement officer, the identification required under 18 USC 926C or a letter from a law enforcement agency stating that the retired federal law enforcement officer retired in good standing.

(xiv) For an individual who is a peace officer, the individual's employee identification.

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

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

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

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

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

Sec. 8. (1) The county clerk in the county in which a license was issued to an individual to carry a concealed pistol shall suspend, revoke, or reinstate a license as required under this act if ordered by a court or if the county clerk is notified by a law enforcement agency, prosecuting official, or court of a change in the licensee's eligibility to carry a concealed pistol under this act.

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

(3) The department of state police shall notify the county clerk in the county in which a license was issued to an individual to carry a concealed pistol if the department of state police determines that there has been a change in the individual's eligibility under this act to receive a license to carry a concealed pistol. The county clerk shall suspend, revoke, or reinstate the license as required under this act and immediately send notice of the suspension, revocation, or reinstatement under this subsection by first-class mail in a sealed envelope to the individual's last known address as indicated on the records of the county clerk. The notice must include the statutory reason for the suspension, revocation, or reinstatement, the source of the record supporting the suspension, revocation, or reinstatement, the length of the suspension or revocation, and whom to contact for correcting errors in the record, appealing the suspension or revocation, and reapplying for that individual's license. The department of state police shall immediately enter that suspension, revocation, or reinstatement into the law enforcement information network.

(4) If a suspension is imposed under this section, the suspension must be for a period stated in years, months, or days, or until the final disposition of the charge, and state the date the suspension will end, if applicable. The licensee shall promptly surrender the individual's license to the county clerk after being notified that the individual's license has been revoked or suspended. An individual who fails to surrender a license as required under this subsection after the individual was notified that the individual's license was suspended or revoked is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

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

(a) The name of the applicant.

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

(c) The amount paid.

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

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

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

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

(6) If a license is suspended because of an order under section 5b(7)(d)(iii) or 5b(7)(d)(vi) and that license was surrendered by the licensee, upon expiration of the order and notification to the county clerk, the county clerk shall automatically reinstate the license if the license is not expired and the department of state police has completed the verification required under section 5b(6). The county clerk shall not charge a fee for the reinstatement of a license under this subsection.

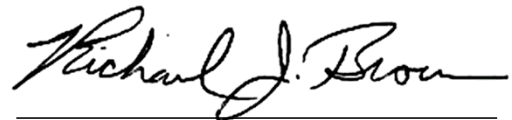
(7) If the court orders a county clerk to suspend, revoke, or reinstate a license under this section or amends a suspension, revocation, or reinstatement order, the county clerk shall immediately notify the department of state police in a manner prescribed by the department of state police. The department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

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

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

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 83 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: Senate Bill No. 83, referred to in enacting section 1, was filed with the Secretary of State May 22, 2023, and became 2023 PA 38, Eff. (sine die).