

HOUSE BILL NO. 4146

February 28, 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 and referred to the Committee on Judiciary.

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 2, 2b, 5b, and 8 (MCL 28.422, 28.422b,
 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section
 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by
 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
 2 shall not purchase, carry, possess, or transport a pistol in this
 3 state without first having obtained a license for the pistol as
 4 prescribed in this section.

5 (2) ~~A person~~ **An individual** who brings a pistol into this state
 6 who is on leave from active duty with the ~~armed forces~~ **Armed Forces**
 7 of the United States or who has been discharged from active duty
 8 with the ~~armed forces~~ **Armed Forces** of the United States shall
 9 obtain a license for the pistol ~~within~~ **not later than** 30 days after
 10 ~~his or her arrival~~ **the individual arrives** in this state.

11 (3) The commissioner or chief of police of a city, township,
 12 or village police department ~~that~~ **who** issues licenses to purchase,
 13 carry, possess, or transport pistols, or ~~his or her~~ **the**
 14 **commissioner's or chief's** duly authorized deputy, or the sheriff or
 15 ~~his or her~~ **the sheriff's** duly authorized deputy, in the parts of a
 16 county not included within a city, township, or village having an
 17 organized police department, in discharging the duty to issue
 18 licenses shall with due speed and diligence issue licenses to
 19 purchase, carry, possess, or transport pistols to qualified
 20 applicants unless ~~he or she~~ **that individual** has probable cause to
 21 believe that the applicant would be a threat to ~~himself or herself~~
 22 **the applicant** or to other individuals, or would commit an offense
 23 with the pistol that would violate a law of this or another state

1 or of the United States. An applicant is qualified if all of the
2 following circumstances exist:

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

7 (i) Section 464a of the mental health code, 1974 PA 258, MCL
8 330.1464a.

9 (ii) Section 5107 of the estates and protected individuals
10 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
11 642.

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

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

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

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

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

23 **(viii) The extreme risk protection order act.**

24 (b) The ~~person~~**individual** is 18 years of age or older or, if
25 the seller is licensed under 18 USC 923, is 21 years of age or
26 older.

27 (c) The ~~person~~**individual** is a citizen of the United States or
28 an alien lawfully admitted into the United States and is a legal
29 resident of this state. For the purposes of this section, ~~a person~~

1 **an individual** is considered a legal resident of this state if any
2 of the following apply:

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

7 (ii) The ~~person~~**individual** is lawfully registered to vote in
8 this state.

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

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

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

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

24 (f) The ~~person~~**individual** has not been adjudged insane in this
25 state or elsewhere unless ~~he or she~~**the individual** has been
26 adjudged restored to sanity by court order.

27 (g) The ~~person~~**individual** is not under an order of involuntary
28 commitment in an inpatient or outpatient setting due to mental
29 illness.

1 (h) The ~~person~~**individual** has not been adjudged legally
 2 incapacitated in this state or elsewhere. This subdivision does not
 3 apply to a ~~person~~**an individual** who has had ~~his or her~~**the**
 4 **individual's** legal capacity restored by order of the court.

5 (4) ~~Applications~~**An applicant shall sign an application** for
 6 ~~licenses~~**a license** under this section **and** shall ~~be signed by the~~
 7 ~~applicant~~**sign the application** under oath ~~upon forms~~**on a form**
 8 provided by the director of the department of state police.

9 ~~Licenses~~**A licensing authority shall issue a license** to purchase,
 10 carry, possess, or transport pistols ~~shall be executed in~~
 11 triplicate ~~upon forms~~**on a form** provided by the director of the
 12 department of state police. ~~and shall be signed by the~~**The**
 13 licensing authority **shall sign any license issued under this**
 14 **section.** ~~Three~~**The licensing authority shall deliver 3** copies of
 15 the license ~~shall be delivered to the applicant. by the licensing~~
 16 ~~authority.~~A license is void unless used within 30 days after the
 17 date it is issued.

18 (5) If an individual purchases or otherwise acquires a pistol,
 19 the seller shall fill out the license forms describing the pistol,
 20 together with the date of sale or acquisition, and sign ~~his or her~~
 21 **the seller's** name in ink indicating that the pistol was sold to or
 22 otherwise acquired by the purchaser. The purchaser shall also sign
 23 ~~his or her~~**the purchaser's** name in ink indicating the purchase or
 24 other acquisition of the pistol from the seller. The seller may
 25 retain a copy of the license as a record of the transaction. The
 26 purchaser ~~shall~~**must** receive 2 copies of the license. The purchaser
 27 shall return 1 copy of the license to the licensing authority
 28 within 10 days after the date the pistol is purchased or acquired.
 29 The **purchaser may** return ~~of~~ the copy to the licensing authority ~~may~~

1 ~~be made~~ in person or ~~may be made~~ by first-class mail or certified
2 mail sent within the 10-day period to the proper address of the
3 licensing authority. A purchaser who fails to comply with the
4 requirements of this subsection is responsible for a state civil
5 infraction and may be fined not more than \$250.00. If a purchaser
6 is found responsible for a state civil infraction under this
7 subsection, the court shall notify the department of state police
8 of that determination.

9 (6) Within 10 days after receiving the license copy returned
10 under subsection (5), the licensing authority shall electronically
11 enter the information into the pistol entry database as required by
12 the department of state police if ~~it~~ **the licensing authority** has
13 the ability to electronically enter that information. If the
14 licensing authority does not have that ability, the licensing
15 authority shall provide that information to the department of state
16 police in a manner otherwise required by the department of state
17 police. Any licensing authority that provided pistol descriptions
18 to the department of state police under former section 9 of this
19 act shall continue to provide pistol descriptions to the department
20 of state police under this subsection. Within 48 hours after
21 entering or otherwise providing the information on the license copy
22 returned under subsection (5) to the department of state police,
23 the licensing authority shall forward the copy of the license to
24 the department of state police. The purchaser ~~has the right to~~ **may**
25 obtain a copy of the information placed in the pistol entry
26 database under this subsection to verify the accuracy of that
27 information. The licensing authority may charge a fee not to exceed
28 \$1.00 for the cost of providing the copy. The licensee may carry,
29 use, possess, and transport the pistol for 30 days beginning on the

1 date of purchase or acquisition only while ~~he or she~~ **the licensee**
2 is in possession of ~~his or her~~ **the licensee's** copy of the license.
3 However, the ~~person~~ **licensee** is not required to have the license in
4 ~~his or her~~ **the licensee's** possession while carrying, using,
5 possessing, or transporting the pistol after this period.

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

11 (8) This section does not prevent the transfer of ownership of
12 pistols to an heir or devisee, whether by testamentary bequest or
13 by the laws of intestacy regardless of whether the pistol is
14 registered with this state. An individual who has inherited a
15 pistol shall obtain a license as required in this section within 30
16 days ~~of~~ **after** taking physical possession of the pistol. The license
17 may be signed by a next of kin of the decedent or the person
18 authorized to dispose of property under the estates and protected
19 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, including
20 when the next of kin is the individual inheriting the pistol. If
21 the heir or devisee is not qualified for a license under this
22 section, the heir or devisee may direct the next of kin or person
23 authorized to dispose of property under the estates and protected
24 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose
25 of the pistol in any manner that is lawful and the heir or devisee
26 considers appropriate. The person authorized to dispose of property
27 under the estates and protected individuals code, 1998 PA 386, MCL
28 700.1101 to 700.8206, is not required to obtain a license under
29 this section if ~~he or she~~ **the person** takes temporary lawful

1 possession of the pistol in the process of disposing of the pistol
2 pursuant to the decedent's testamentary bequest or the laws of
3 intestacy. A law enforcement agency may not seize or confiscate a
4 pistol being transferred by testamentary bequest or the laws of
5 intestacy unless the heir or devisee does not qualify for obtaining
6 a license under this section and the next of kin or person
7 authorized to dispose of property under the estates and protected
8 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable
9 to retain ~~his or her~~ temporary possession of the pistol or find
10 alternative lawful storage. If a law enforcement agency seizes or
11 confiscates a pistol under this subsection, the heir or devisee who
12 is not qualified to obtain a license under this section retains
13 ownership interest in the pistol and, within 30 days ~~of~~ **after** being
14 notified of the seizure or confiscation, may file with a court of
15 competent jurisdiction to direct the law enforcement agency to
16 lawfully transfer or otherwise dispose of the pistol. ~~A~~ **The seizing**
17 **entity or its agents shall not destroy, sell, or use a** pistol
18 seized under this subsection ~~shall not be destroyed, sold, or used~~
19 ~~while in possession of the seizing entity or its agents~~ until 30
20 days have passed since the heir or devisee has been notified of the
21 seizure and no legal action regarding the lawful possession or
22 ownership of the seized pistol has been filed in any court and is
23 pending. As used in this subsection:

24 (a) "Devisee" means that term as defined in section 1103 of
25 the estates and protected individuals code, 1998 PA 386, MCL
26 700.1103.

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

29 (9) An individual who is not a resident of this state is not

1 required to obtain a license under this section if all of the
2 following conditions apply:

3 (a) The individual is licensed in ~~his or her~~ **the individual's**
4 state of residence to purchase, carry, or transport a pistol.

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

7 (c) The individual is the owner of the pistol ~~he or she~~ **the**
8 **individual** possesses, carries, or transports.

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

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

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

17 (11) The licensing authority may require ~~a person~~ **an**
18 **individual** claiming active duty status with the **Armed Forces of the**
19 United States ~~armed forces~~ to provide proof of 1 or both of the
20 following:

21 (a) The ~~person's~~ **individual's** home of record.

22 (b) Permanent active duty assignment in this state.

23 (12) This section does not apply to ~~a person~~ **an individual** who
24 is younger than the age required under subsection (3) (b) and who
25 possesses a pistol if all of the following conditions apply:

26 (a) The ~~person~~ **individual** is not otherwise prohibited from
27 possessing that pistol.

28 (b) The ~~person~~ **individual** is at a recognized target range.

29 (c) The ~~person~~ **individual** possesses the pistol for the purpose

1 of target practice or instruction in the safe use of a pistol.

2 (d) The ~~person~~**individual** is in the physical presence and
3 under the direct supervision of any of the following:

4 (i) The ~~person's~~**individual's** parent.

5 (ii) The ~~person's~~**individual's** guardian.

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

11 (e) The owner of the pistol is physically present.

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

14 (a) The ~~person~~**individual** is not otherwise prohibited from
15 possessing a pistol.

16 (b) The ~~person~~**individual** is at a recognized target range or
17 shooting facility.

18 (c) The ~~person~~**individual** possesses the pistol for the purpose
19 of target practice or instruction in the safe use of a pistol.

20 (d) The owner of the pistol is physically present and
21 supervising the use of the pistol.

22 (14) A person ~~who~~**that** forges any matter on an application for
23 a license under this section is guilty of a felony ~~7~~ punishable by
24 imprisonment for not more than 4 years or a fine of not more than
25 \$2,000.00, or both.

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

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

9 (a) The name of the ~~person~~**individual**.

10 (b) The date the order or disposition was entered into the law
11 enforcement information network.

12 (c) A statement that the ~~person~~**individual** cannot obtain a
13 license to purchase a pistol or obtain a concealed weapon license
14 until the order or disposition is removed from the law enforcement
15 information network.

16 (d) A statement that the ~~person~~**individual** may request that
17 the state police correct or expunge inaccurate information entered
18 into the law enforcement information network.

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

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

26 (b) Expunge the ~~person's~~**individual's** name and other
27 information concerning the ~~person~~**individual** from the law
28 enforcement information network regarding 1 or more specific
29 entries in the law enforcement information network under any

1 provision of law described in section 2(3)(a) because 1 or more of
2 the following circumstances exist:

3 (i) The ~~person~~**individual** is not subject to an order of
4 involuntary commitment in an inpatient or outpatient setting due to
5 mental illness.

6 (ii) The ~~person~~**individual** is not subject to an order or
7 disposition determining that the ~~person~~**individual** is legally
8 incapacitated.

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

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

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

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

16 (iv) The ~~person~~**individual** is not subject to an order for
17 release subject to protective conditions that prohibits the
18 purchase or possession of a firearm by the ~~person~~**individual** issued
19 under section 6b of chapter V of the code of criminal procedure,
20 1927 PA 175, MCL 765.6b.

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

23 (3) Before the expiration of 30 days after a request is made
24 to amend an inaccuracy in the law enforcement information network
25 under subsection (2)(a) or to expunge 1 or more specific entries
26 from the law enforcement information network under subsection

27 (2)(b)(i) to ~~(iv)~~, **(v)**, the department of state police shall conduct
28 an investigation concerning the accuracy of the information
29 contained in the law enforcement information network, either grant

1 or deny the request, and provide the ~~person~~**individual** with written
 2 notice of that grant or denial. ~~A notice of denial~~**The department**
 3 **of state police** shall include **in a notice of denial** a statement
 4 specifying the basis of the denial, and that a ~~person~~**an individual**
 5 may appeal the denial ~~pursuant to~~**in accordance with** the
 6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 7 24.328.

8 (4) If the department of state police ~~refuses~~**denies** a request
 9 by a ~~person~~**an individual** for amendment or expunction under
 10 subsection (2), or fails to act within 30 days after receiving the
 11 request under subsection (2), the ~~person~~**individual** may request a
 12 hearing before a hearing officer appointed by the department of
 13 state police for a determination of whether information entered
 14 into the law enforcement information network should be amended or
 15 expunged because it is inaccurate or false. The department of state
 16 police shall conduct the hearing ~~pursuant to~~**in accordance with** the
 17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 18 24.328.

19 (5) The department of state police shall not send written
 20 notice of an entry of an order or disposition into the law
 21 enforcement information network as required for a personal
 22 protection order issued under section 2950 or 2950a of the revised
 23 judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **or**
 24 **an extreme risk protection order issued under the extreme risk**
 25 **protection order act**, until ~~that~~**the** department has received notice
 26 that the respondent of the order has been served with or has
 27 received notice of the personal protection order **or extreme risk**
 28 **protection order**.

29 Sec. 5b. (1) To obtain a license to carry a concealed pistol,

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

29 (a) The applicant's legal name, date of birth, the address of

1 ~~his or her~~ **the applicant's** primary residence, and ~~his or her~~ **the**
2 **applicant's** state-issued driver license or personal identification
3 card number.

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

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

9 (d) A statement by the applicant regarding whether ~~he or she~~
10 **the applicant** has a history of mental illness that would disqualify
11 ~~him or her~~ **the applicant** under subsection (7)(j) to (l) from
12 receiving a license to carry a concealed pistol.

13 (e) A statement by the applicant regarding whether ~~he or she~~
14 **the applicant** has ever been convicted in this state or elsewhere
15 for any of the following:

16 (i) Any felony.

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

23 (f) A statement by the applicant whether ~~he or she~~ **the**
24 **applicant** has been dishonorably discharged from the **Armed Forces of**
25 **the** United States. ~~Armed Forces.~~

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

29 (h) A certificate stating that the applicant has completed the

1 training course prescribed by this act.

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

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

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

20 (5) Each applicant shall pay a nonrefundable application and
21 licensing fee of \$100.00 by any method of payment accepted by that
22 county for payments of other fees and penalties. Except as provided
23 in subsection (9), no other charge, fee, cost, or assessment,
24 including any local charge, fee, cost, or assessment, is required
25 of the applicant except as specifically authorized in this act. The
26 applicant shall pay the application and licensing fee to the
27 county. The county treasurer shall deposit \$26.00 of each
28 application and licensing fee collected under this section in the
29 concealed pistol licensing fund of that county created in section

1 5x. The county treasurer shall forward the balance remaining to the
2 state treasurer. The state treasurer shall deposit the balance of
3 the fee in the general fund to the credit of the department of
4 state police. The department of state police shall use the money
5 received under this act to process the fingerprints and to
6 reimburse the Federal Bureau of Investigation for the costs
7 associated with processing fingerprints submitted under this act.
8 The balance of the money received under this act must be credited
9 to the department of state police.

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

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

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

21 (b) The applicant is a citizen of the United States or is an
22 alien lawfully admitted into the United States, is a legal resident
23 of this state, and has resided in this state for not less than the
24 6 months immediately preceding the date of application. The county
25 clerk shall waive the 6-month residency requirement for an
26 emergency license under section 5a(4) if the applicant is a
27 petitioner for a personal protection order issued under section
28 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
29 MCL 600.2950 and 600.2950a, or if the county sheriff determines

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

13 (i) The individual has a valid, lawfully obtained driver
14 license issued under the Michigan vehicle code, 1949 PA 300, MCL
15 257.1 to 257.923, or official state personal identification card
16 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

27 (c) The applicant has knowledge and has had training in the
28 safe use and handling of a pistol by the successful completion of a
29 pistol safety training course or class that meets the requirements

1 of section 5j.

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

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

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

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

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

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

17 (vi) **The extreme risk protection order act.**

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

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

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

1 the **Armed Forces of the** United States. ~~Armed Forces.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 locomotive under the influence).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (13) Subject to subsection (10), the department of state
12 police shall complete the verification required under subsection
13 (6) and the county clerk shall issue a license or a notice of
14 statutory disqualification ~~within~~ **not later than** 45 days after the
15 date the individual has classifiable fingerprints taken under
16 subsection (9). The county clerk shall include an indication on the
17 license if an individual is exempt from the prohibitions against
18 carrying a concealed pistol on premises described in section 5o if
19 the applicant provides acceptable proof that ~~he or she~~ **the**
20 **applicant** qualifies for that exemption. If the county clerk
21 receives notice from a county sheriff or chief law enforcement
22 officer that a licensee is no longer a member of a sheriff's posse,
23 an auxiliary officer, or a reserve officer, the county clerk shall
24 notify the licensee that ~~he or she~~ **the licensee** shall surrender the
25 concealed pistol license indicating that the individual is exempt
26 from the prohibitions against carrying a concealed pistol on
27 premises described in section 5o. The licensee shall, ~~within~~ **not**
28 **later than** 30 days after receiving notice from the county clerk,
29 surrender the license indicating that the individual is exempt from

1 the prohibitions against carrying a concealed pistol on premises
2 described in section 5o and obtain a replacement license after
3 paying the fee required under subsection (15). If the county clerk
4 issues a notice of statutory disqualification, the county clerk
5 shall, ~~within~~ **not later than** 5 business days **after that notice**, do
6 all of the following:

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

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

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

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

15 (b) Inform the individual in writing of ~~his or her~~ **the**
16 **individual's** right to appeal the denial or notice of statutory
17 disqualification to the circuit court as provided in section 5d.

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

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

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

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

27 (17) An applicant or an individual licensed under this act to
28 carry a concealed pistol may be furnished a copy of ~~his or her~~ **the**
29 **individual's** application under this section upon request and the

1 payment of a reasonable fee not to exceed \$1.00. The county clerk
2 shall deposit any fee collected under this subsection in the
3 concealed pistol licensing fund of that county created in section
4 5x.

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

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

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

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

1 enforcement information network that the license was voluntarily
2 surrendered and the date the license was voluntarily surrendered.

3 (22) As used in this section:

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

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

9 (ii) For an individual who is employed or contracted by an
10 entity described under section 5o(1) to provide security services,
11 a letter from that entity stating that the employee is required by
12 ~~his or her~~ **the** employer or the terms of a contract to carry a
13 concealed firearm on the premises of the employing or contracting
14 entity and ~~his or her~~ **the individual's** employee identification.

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

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

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

28 (vi) For an individual who is a motor carrier officer or
29 capitol security officer of the department of state police, ~~his or~~

1 ~~her~~ **the individual's** employee identification.

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

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

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

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

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

22 (xii) For an individual who is a court officer, ~~his or her~~ **the**
23 **individual's** employee identification.

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

29 (xiv) For an individual who is a peace officer, ~~his or her~~ **the**

1 **individual's** employee identification.

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

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

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

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

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

28 Sec. 8. (1) The county clerk in the county in which a license
29 was issued to an individual to carry a concealed pistol shall

1 suspend, revoke, or reinstate a license as required under this act
2 if ordered by a court or if the county clerk is notified by a law
3 enforcement agency, prosecuting official, or court of a change in
4 the licensee's eligibility to carry a concealed pistol under this
5 act.

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

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

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

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

28 (5) Except as otherwise provided in subsections (2) and (6),
29 if a license is suspended under this section and that license was

1 surrendered by the licensee, upon expiration of the suspension
2 period, the applicant may apply for a renewal license in the same
3 manner as provided under section 5/. The county clerk or department
4 of state police, as applicable, shall issue the applicant a receipt
5 for ~~his or her~~ **the individual's** application at the time the
6 application is submitted. The receipt must contain all of the
7 following:

8 (a) The name of the applicant.

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

10 (c) The amount paid.

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

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

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

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

20 (6) If a license is suspended because of an order under
21 section 5b(7) (d) *(iii)* **or 5b(7) (d) (vi)** and that license was surrendered
22 by the licensee, upon expiration of the order and notification to
23 the county clerk, the county clerk shall automatically reinstate
24 the license if the license is not expired and the department of
25 state police has completed the verification required under section
26 5b(6). The county clerk shall not charge a fee for the
27 reinstatement of a license under this subsection.

28 (7) If the court orders a county clerk to suspend, revoke, or
29 reinstate a license under this section or amends a suspension,

1 revocation, or reinstatement order, the county clerk shall
2 immediately notify the department of state police in a manner
3 prescribed by the department of state police. The department of
4 state police shall enter the order or amended order into the law
5 enforcement information network.

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

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

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

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 4145 (request no.
27 00421'23) of the 102nd Legislature is enacted into law.