

**SUBSTITUTE FOR
HOUSE BILL NO. 5272**

A bill to amend 1927 PA 372, entitled

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

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



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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14 subsection is considered withdrawn if an applicant does not have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



1 following:

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

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

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

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

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

17 (i) Any felony.

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

24 (f) A statement by the applicant whether he or she has been
25 dishonorably discharged from 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 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 United
20 States Armed Forces and is stationed outside of this state, but the
21 individual's home of record is in this state.

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

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

29 (d) Based solely on the report received from the department of



1 state police under subsection (6), the applicant is not the subject
2 of an order or disposition under any of the following:

3 (i) Section 464a of the mental health code, 1974 PA 258, MCL
4 330.1464a.

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

7 (iii) Sections 2950 and 2950a of the revised judicature act of
8 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

9 (iv) Section 6b of chapter V of the code of criminal procedure,
10 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
11 section 6b(3) of chapter V of the code of criminal procedure, 1927
12 PA 175, MCL 765.6b.

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

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

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

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

28 (h) Based solely on the report received from the department of
29 state police under subsection (6), the applicant has not been



1 convicted of a misdemeanor violation of any of the following in the
2 8 years immediately preceding the date of application and a charge
3 for a misdemeanor violation of any of the following is not pending
4 against the applicant in this state or elsewhere at the time he or
5 she applies for a license described in this section:

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

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

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

22 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
23 290.650 (hindering, obstructing, assaulting, or committing bodily
24 injury upon director or authorized representative).

25 (v) Section 80176 as punishable under section 80177(1)(b)
26 (operating vessel under the influence of intoxicating liquor or a
27 controlled substance, second offense), section 81134 as punishable
28 under subsection (8)(b) of that section (operating ORV under the
29 influence of intoxicating liquor or a controlled substance, second



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

6 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
7 333.7403 (possession of controlled substance, controlled substance
8 analogue, or prescription form).

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

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

15 (ix) Section 81 (assault or domestic assault), section 81a(1)
16 or (2) (aggravated assault or aggravated domestic assault), section
17 115 (breaking and entering or entering without breaking), section
18 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
19 abuse), section 157b(3) (b) (solicitation to commit a felony),
20 section 215 (impersonating peace officer or medical examiner),
21 section 223 (illegal sale of a firearm or ammunition), section 224d
22 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
23 ~~or possession of a switchblade)~~, section 227c (improper
24 transportation of a loaded firearm), section 229 (accepting a
25 pistol in pawn), section 232a (improperly obtaining a pistol,
26 making a false statement on an application to purchase a pistol, or
27 using false identification to purchase a pistol), section 233
28 (intentionally aiming a firearm without malice), section 234
29 (intentionally discharging a firearm aimed without malice), section



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

17 (x) Former section ~~228~~**226a** of the Michigan penal code, 1931
 18 PA 328.

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

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

28 (i) Based solely on the report received from the department of
 29 state police under subsection (6), the applicant has not been



1 convicted of a misdemeanor violation of any of the following in the
2 3 years immediately preceding the date of application unless the
3 misdemeanor violation is listed under subdivision (h) and a charge
4 for a misdemeanor violation of any of the following is not pending
5 against the applicant in this state or elsewhere at the time he or
6 she applies for a license described in this section:

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

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

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

23 (iv) Part 74 of the public health code, 1978 PA 368, MCL
24 333.7401 to 333.7461 (controlled substance violation).

25 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
26 462.353, punishable under subsection (3) of that section (operating
27 locomotive under the influence).

28 (vi) Section 167 (disorderly person), section 174
29 (embezzlement), section 218 (false pretenses with intent to



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

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

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

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

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



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

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

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

17 (9) An individual, after submitting an application and paying
18 the fee prescribed under subsection (5), shall request that
19 classifiable fingerprints be taken by a county clerk, the
20 department of state police, a county sheriff, a local police
21 agency, or other entity, if the county clerk, department of state
22 police, county sheriff, local police agency, or other entity
23 provides fingerprinting capability for the purposes of this act. An
24 individual who has had classifiable fingerprints taken under
25 section 5a(4) does not need additional fingerprints taken under
26 this subsection. If the individual requests that classifiable
27 fingerprints be taken by the county clerk, department of state
28 police, county sheriff, a local police agency, or other entity, the
29 individual shall also pay a fee of \$15.00 by any method of payment



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

- 21 (a) The name of the individual.
22 (b) The date and time the receipt is issued.
23 (c) The amount paid.
24 (d) The name of the entity providing the fingerprint services.
25 (e) The individual's state-issued driver license or personal
26 identification card number.
27 (f) The statement "This receipt was issued for the purpose of
28 applying for a concealed pistol license. As provided in section 5b
29 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory



1 disqualification is not issued within 45 days after the date this
2 receipt was issued, this receipt ~~shall serve~~ **serves** as a concealed
3 pistol license for the individual named in the receipt when carried
4 with an official state-issued driver license or personal
5 identification card. The receipt is valid as a license until a
6 license or notice of statutory disqualification is issued by the
7 county clerk. This receipt does not exempt the individual named in
8 the receipt from complying with all applicable laws for the
9 purchase of firearms.".

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



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

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

8 (13) Subject to subsection (10), the department of state
9 police shall complete the verification required under subsection
10 (6) and the county clerk shall issue a license or a notice of
11 statutory disqualification within 45 days after the date the
12 individual has classifiable fingerprints taken under subsection
13 (9). The county clerk shall include an indication on the license if
14 an individual is exempt from the prohibitions against carrying a
15 concealed pistol on premises described in section 5o if the
16 applicant provides acceptable proof that he or she qualifies for
17 that exemption. If the county clerk receives notice from a county
18 sheriff or chief law enforcement officer that a licensee is no
19 longer a member of a sheriff's posse, an auxiliary officer, or a
20 reserve officer, the county clerk shall notify the licensee that he
21 or she shall surrender the concealed pistol license indicating that
22 the individual is exempt from the prohibitions against carrying a
23 concealed pistol on premises described in section 5o. The licensee
24 shall, within 30 days after receiving notice from the county clerk,
25 surrender the license indicating that the individual is exempt from
26 the prohibitions against carrying a concealed pistol on premises
27 described in section 5o and obtain a replacement license after
28 paying the fee required under subsection (15). If the county clerk
29 issues a notice of statutory disqualification, the county clerk



1 shall within 5 business days do all of the following:

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

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

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

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

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

13 (c) Inform the individual that he or she should contact the
14 source of the record for any statutory disqualification to correct
15 any errors in the record resulting in the statutory
16 disqualification.

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

25 (15) If an individual licensed under this act to carry a
26 concealed pistol moves to a different county within this state, his
27 or her license remains valid until it expires or is otherwise
28 suspended or revoked under this act. An individual may notify a
29 county clerk that he or she has moved to a different address within



1 this state for the purpose of receiving the notice under section
2 5l(1). A license to carry a concealed pistol that is lost, stolen,
3 defaced, or replaced for any other reason may be replaced by the
4 issuing county clerk for a replacement fee of \$10.00. A county
5 clerk shall deposit a replacement fee under this subsection in the
6 concealed pistol licensing fund of that county created in section
7 5x.

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

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

28 (18) This section does not prohibit the county clerk from
29 making public and distributing to the public at no cost lists of



1 individuals who are certified as qualified instructors as
2 prescribed under section 5j.

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

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

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

26 (22) As used in this section:

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

28 (i) For a retired police officer or retired law enforcement
29 officer, the officer's retired identification or a letter from a



1 law enforcement agency stating that the retired police officer or
2 law enforcement officer retired in good standing.

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

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

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

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

22 (vi) For an individual who is a motor carrier officer or
23 capitol security officer of the department of state police, his or
24 her employee identification.

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

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



1 (ix) For an individual who is a parole, probation, or
 2 corrections officer, or absconder recovery unit member, of the
 3 department of corrections, his or her employee identification and
 4 proof that the individual obtained a Michigan department of
 5 corrections weapons permit.

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

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

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

18 (xiii) For a retired federal law enforcement officer, the
 19 identification required under ~~the law enforcement officers safety~~
 20 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
 21 that the retired federal law enforcement officer retired in good
 22 standing.

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

25 (xv) **For an individual who is a petitioner for a personal**
 26 **protection order issued under section 2950 or 2950a of the revised**
 27 **judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, a**
 28 **copy of the personal protection order.**

29 (b) "Convicted" means a final conviction, the payment of a



1 fine, a plea of guilty or nolo contendere if accepted by the court,
2 or a finding of guilt for a criminal law violation or a juvenile
3 adjudication or disposition by the juvenile division of probate
4 court or family division of circuit court for a violation that if
5 committed by an adult would be a crime.

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

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

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

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

26 Sec. 5o. (1) Subject to subsection (5), an individual licensed
27 under this act to carry a concealed pistol, or who is exempt from
28 licensure under section 12a(h), shall not carry a concealed pistol
29 on the premises of any of the following:



1 (a) A school or school property except that a parent or legal
2 guardian of a student of the school is not precluded from carrying
3 a concealed pistol while in a vehicle on school property, if he or
4 she is dropping the student off at the school or picking up the
5 student from the school. As used in this section, "school" and
6 "school property" mean those terms as defined in section 237a of
7 the Michigan penal code, 1931 PA 328, MCL 750.237a.

8 (b) A public or private child care center or day care center,
9 public or private child caring institution, or public or private
10 child placing agency.

11 (c) A sports arena or stadium.

12 (d) A bar or tavern licensed under the Michigan liquor control
13 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
14 primary source of income of the business is the sale of alcoholic
15 liquor by the glass and consumed on the premises. This subdivision
16 does not apply to an owner or employee of the business. The
17 Michigan liquor control commission shall develop and make available
18 to holders of licenses under the Michigan liquor control code of
19 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
20 stating that "This establishment prohibits patrons from carrying
21 concealed weapons". The owner or operator of an establishment
22 licensed under the Michigan liquor control code of 1998, 1998 PA
23 58, MCL 436.1101 to 436.2303, may post the sign developed under
24 this subdivision.

25 (e) Any property or facility owned or operated by a church,
26 synagogue, mosque, temple, or other place of worship, unless the
27 presiding official or officials of the church, synagogue, mosque,
28 temple, or other place of worship permit the carrying of concealed
29 pistol on that property or facility.



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

6 (g) A hospital.

7 (h) A dormitory or classroom of a community college, college,
8 or university.

9 (2) Subject to subsection (5), an individual shall not carry a
10 portable device that uses electro-muscular disruption technology on
11 any of the premises described in subsection (1).

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

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

19 (5) Subsections (1) and (2) do not apply to any of the
20 following:

21 (a) An individual licensed under this act who is a retired
22 police officer, retired law enforcement officer, or retired federal
23 law enforcement officer.

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

29 (c) An individual who is licensed as a private investigator or



1 private detective under the professional investigator licensure
2 act, 1965 PA 285, MCL 338.821 to 338.851.

3 (d) An individual who is licensed under this act and who is a
4 corrections officer of a county sheriff's department or who is
5 licensed under this act and is a retired corrections officer of a
6 county sheriff's department, if that individual has received county
7 sheriff approved weapons training.

8 (e) An individual who is licensed under this act and who is a
9 motor carrier officer or capitol security officer of the department
10 of state police.

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

13 (g) An individual who is licensed under this act and who is an
14 auxiliary officer or reserve officer of a police or sheriff's
15 department.

16 (h) An individual who is licensed under this act and who is
17 any of the following:

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

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

26 (i) A state court judge or state court retired judge who is
27 licensed under this act.

28 (j) An individual who is licensed under this act and who is a
29 court officer.



1 (k) An individual who is licensed under this act and who is a
2 peace officer.

3 (l) An individual who is licensed under this act and who is at
4 least 1 of the following:

5 (i) A petitioner for a personal protection order issued under
6 section 2950 or 2950a of the revised judicature act of 1961, 1961
7 PA 236, MCL 600.2950 and 600.2950a.

8 (ii) A protected party under a court issued conditional bond
9 release for domestic assault, stalking, or any assaultive
10 misdemeanor or felony.

11 (6) An individual who violates this section is responsible for
12 a state civil infraction or guilty of a crime as follows:

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

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

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

