

HOUSE BILL No. 5551

February 10, 1998, Introduced by Reps. Cropsey, Profit, Curtis, Wetters, McNutt, DeHart, Llewellyn, Middaugh, Lowe, Nye, McBryde, Gernaat, Horton, Middleton, Kukuk, Schauer, Walberg, Wojno, Kaza, Frank, Jelinek, London, Rocca, Dalman, Prusi, Gustafson, Alley, Birkholz, Tesanovich, Hammerstrom, Jellema, Law, DeVuyst, Jansen, Sikkema, McManus, Dobb, Leland, Rhead, Whyman, Owen, Crissman, Galloway, Baade, Cassis, Bodem, Green, Goschka, Voorhees, Varga, Perricone, Callahan, Oxender, Vaughn, Basham, Harder, Olshove, Schermesser and Mans and referred to the Committee on House Oversight and Ethics.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending the title and sections 8 and 12a (MCL 28.428 and 28.432a), the title as amended by 1990 PA 320, and by adding sections 1a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5n, and 5o; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to regulate and license the selling, purchasing,

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possessing, and carrying of certain firearms and gas ejecting

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devices; to prohibit the buying, selling, or carrying of certain

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1 firearms and gas ejecting devices without a license OR OTHER
2 AUTHORIZATION; to provide for the forfeiture of firearms
3 ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES;
4 to provide immunity from civil liability under certain circum-
5 stances; to prescribe the powers and duties of certain state and
6 local agencies; TO PROHIBIT CERTAIN CONDUCT AGAINST INDIVIDUALS
7 WHO APPLY FOR OR RECEIVE CONCEALED WEAPON PERMITS; TO PROHIBIT
8 CERTAIN CONDUCT AGAINST INDIVIDUALS WHO ACT AS REFERENCES FOR
9 INDIVIDUALS WHO APPLY FOR CONCEALED WEAPON PERMITS; TO PRESCRIBE
10 PENALTIES; TO PROVIDE REMEDIES; and to repeal all acts and parts
11 of acts inconsistent with ~~the provisions of~~ this act.

12 SEC. 5. (1) POLICE DEPARTMENTS OF LOCAL UNITS OF GOVERNMENT
13 OF THIS STATE, COUNTY SHERIFFS, AND COUNTY CLERKS SHALL PROVIDE
14 CONCEALED WEAPON APPLICATION KITS DURING NORMAL BUSINESS HOURS TO
15 INDIVIDUALS WHO WISH TO APPLY FOR LICENSES TO CARRY CONCEALED
16 PISTOLS. EACH KIT SHALL CONTAIN ALL OF THE FOLLOWING:

17 (A) A CONCEALED PISTOL LICENSE APPLICATION FORM PROVIDED BY
18 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

19 (B) THE FINGERPRINT CARDS REQUIRED UNDER SECTION 5B(11).

20 (C) WRITTEN INFORMATION REGARDING THE PROCEDURES INVOLVED IN
21 OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING INFOR-
22 MATION REGARDING THE RIGHT TO APPEAL THE DENIAL OF A LICENSE AND
23 THE FORM REQUIRED FOR THAT APPEAL.

24 (D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE
25 TRAINING REQUIRED UNDER SECTION 5B(8).

1 (2) A POLICE DEPARTMENT OR COUNTY SHERIFF SHALL NOT DENY AN
2 INDIVIDUAL THE RIGHT TO RECEIVE A CONCEALED PISTOL APPLICATION
3 KIT UNDER THIS SECTION.

4 SEC. 5A. (1) EACH COUNTY SHALL HAVE A CONCEALED WEAPON
5 LICENSING BOARD. THE CONCEALED WEAPON LICENSING BOARD OF EACH
6 COUNTY SHALL HAVE THE FOLLOWING MEMBERS:

7 (A) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE.

8 (B) THE COUNTY SHERIFF OR HIS OR HER DESIGNEE.

9 (C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
10 HER DESIGNEE.

11 (D) TWO MEMBERS REPRESENTING THE GENERAL PUBLIC APPOINTED BY
12 THE COUNTY BOARD OF COMMISSIONERS OR, IN A COUNTY THAT HAS A
13 COUNTY EXECUTIVE OR A COUNTY MANAGER, THE COUNTY EXECUTIVE OR
14 COUNTY MANAGER.

15 (2) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER AUTHORIZED
16 DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE BOARD. THREE MEMBERS
17 OF THE CONCEALED WEAPON LICENSING BOARD CONSTITUTE A QUORUM OF
18 THE CONCEALED WEAPON LICENSING BOARD. THE BUSINESS OF THE CON-
19 CEALED WEAPON LICENSING BOARD SHALL BE CONDUCTED BY A MAJORITY
20 VOTE OF ALL OF THE MEMBERS OF THE CONCEALED WEAPON LICENSING
21 BOARD.

22 (3) THE COUNTY CLERK SHALL SERVE AS THE CLERK OF THE CON-
23 CEALED WEAPON LICENSING BOARD.

24 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED
25 WEAPON LICENSING BOARD SHALL PERFORM THE FOLLOWING DUTIES:

26 (A) REVIEW EACH APPLICATION SUBMITTED BY A RESIDENT OF THAT
27 COUNTY FOR A LICENSE TO CARRY A CONCEALED PISTOL AND DETERMINE

1 WHETHER TO ISSUE A LICENSE TO CARRY A CONCEALED PISTOL TO THAT
2 APPLICANT.

3 (B) PERFORM OTHER DUTIES AS REQUIRED BY LAW.

4 (5) THE CONCEALED WEAPON LICENSING BOARD MAY INVESTIGATE ANY
5 RESIDENT OF THAT COUNTY WHO APPLIES UNDER THIS ACT FOR A LICENSE
6 TO CARRY A CONCEALED PISTOL. THE INVESTIGATION SHALL BE
7 RESTRICTED TO DETERMINING ONLY WHETHER THE RESIDENT IS ELIGIBLE
8 UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.
9 THE CONCEALED WEAPON LICENSING BOARD MAY REQUIRE THE APPLICANT TO
10 APPEAR BEFORE THE BOARD AT A MUTUALLY AGREED-UPON TIME FOR A
11 CONFERENCE. THE APPLICANT'S FAILURE OR REFUSAL TO APPEAR WITHOUT
12 JUST CAUSE BEFORE THE CONCEALED WEAPON LICENSING BOARD AS PRO-
13 VIDED IN THIS SUBSECTION IS GROUNDS FOR THE BOARD TO DENY ISSU-
14 ANCE OF A LICENSE TO CARRY A CONCEALED PISTOL TO THAT APPLICANT.

15 (6) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE
16 IS PROBABLE CAUSE TO BELIEVE SAFETY OF THE APPLICANT OR A MEMBER
17 OF THE APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S
18 INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED
19 PISTOL, THE CONCEALED WEAPON LICENSING BOARD MAY, PENDING ISSU-
20 ANCE OF A PERMANENT LICENSE, ISSUE A TEMPORARY LICENSE TO THE
21 INDIVIDUAL TO CARRY A CONCEALED PISTOL. A TEMPORARY LICENSE
22 SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. A
23 TEMPORARY LICENSE SHALL BE UNRESTRICTED AND SHALL BE VALID FOR
24 NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE MAY BE RENEWED FOR 1
25 ADDITIONAL PERIOD OF NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE
26 IS, FOR ALL OTHER PURPOSES OF THIS ACT, A LICENSE TO CARRY A
27 CONCEALED PISTOL.

1 (7) THE DEPARTMENT OF STATE POLICE SHALL COMPILE THE
2 FIREARMS LAWS OF THIS STATE, INCLUDING LAWS THAT APPLY TO CARRY-
3 ING A CONCEALED PISTOL, AND SHALL PROVIDE COPIES OF THE COMPILA-
4 TION TO EACH CONCEALED WEAPON LICENSING BOARD IN THIS STATE FOR
5 DISTRIBUTION UNDER THIS SUBSECTION. A CONCEALED WEAPON LICENSING
6 BOARD SHALL DISTRIBUTE A COPY OF THE COMPILATION TO EACH INDIVID-
7 UAL WHO APPLIES FOR A LICENSE TO CARRY A CONCEALED PISTOL AT THE
8 TIME THE APPLICATION IS SUBMITTED. THE CONCEALED WEAPON LICENS-
9 ING BOARD SHALL REQUIRE THE APPLICANT TO SIGN A WRITTEN STATEMENT
10 ACKNOWLEDGING THAT HE OR SHE HAS RECEIVED A COPY OF THE
11 COMPILATION.

12 SEC. 5B. (1) AN INDIVIDUAL MAY APPLY TO THE CONCEALED
13 WEAPON LICENSING BOARD IN THE COUNTY IN WHICH THAT INDIVIDUAL
14 RESIDES FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE APPLICA-
15 TION SHALL BE FILED WITH THE COUNTY CLERK AS CLERK OF THE CON-
16 CEALED WEAPON LICENSING BOARD DURING THE COUNTY CLERK'S NORMAL
17 BUSINESS HOURS. THE APPLICATION SHALL BE ON A FORM PROVIDED BY
18 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE AND SHALL ALLOW
19 THE APPLICANT TO DESIGNATE WHETHER THE APPLICANT SEEKS A TEMPO-
20 RARY LICENSE PENDING ISSUANCE OF A REGULAR LICENSE. THE APPLI-
21 CANT SHALL PROVIDE 2 PHOTOGRAPHS OF THE APPLICANT IN PASSPORT
22 SIZE, STYLE, AND QUALITY AT THE TIME THE APPLICATION IS FILED.
23 THE APPLICATION SHALL BE SIGNED UNDER OATH BY THE APPLICANT. THE
24 OATH SHALL BE ADMINISTERED BY THE COUNTY CLERK OR HIS OR HER
25 REPRESENTATIVE. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOW-
26 ING INFORMATION:

1 (A) THE APPLICANT'S NAME AND ADDRESS.

2 (B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS
3 FAMILIAR WITH THE PROVISIONS OF THIS ACT AS THEY RELATE TO CARRY-
4 ING A CONCEALED PISTOL.

5 (C) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS
6 THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED
7 PISTOL.

8 (D) A STATEMENT BY THE APPLICANT PROVIDING AUTHORITY TO THE
9 CONCEALED WEAPON LICENSING BOARD TO ACCESS ANY RECORD OF THE
10 JUVENILE DIVISION OF THE PROBATE COURT OR THE FAMILY DIVISION OF
11 THE CIRCUIT COURT RELATING TO THE APPLICANT'S ELIGIBILITY UNDER
12 SUBSECTION (8) TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.
13 THE APPLICANT MAY REQUEST THAT INFORMATION RECEIVED BY THE CON-
14 CEALED WEAPON LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED
15 IN A CLOSED SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION
16 BE CLOSED, THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE
17 SESSION ONLY FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT HAS
18 THE RIGHT TO BE PRESENT IN THE CLOSED SESSION. INFORMATION
19 RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SUB-
20 DIVISION IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY PERSON
21 EXCEPT FOR PURPOSES OF THIS ACT.

22 (E) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
23 HAS BEEN TREATED FOR SUBSTANCE ABUSE WITHIN 5 YEARS PRECEDING THE
24 DATE OF APPLICATION OR HAS A HISTORY OF MENTAL ILLNESS THAT WOULD
25 DISQUALIFY HIM OR HER UNDER SUBSECTION (8)(G) TO (I) FROM RECEIV-
26 ING A LICENSE TO CARRY A CONCEALED PISTOL, AND GRANTING AUTHORITY
27 TO THE CONCEALED WEAPON LICENSING BOARD TO ACCESS ALL MEDICAL

1 RECORDS OF THE APPLICANT RELATING TO THOSE ISSUES. THE APPLICANT
2 MAY REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON
3 LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED
4 SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED,
5 THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY
6 FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER
7 REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED
8 SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING
9 BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL AND SHALL NOT BE
10 DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT.

11 (F) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
12 HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY CRIME
13 INVOLVING DOMESTIC VIOLENCE.

14 (G) IF THE APPLICANT SEEKS A TEMPORARY LICENSE PENDING ISSU-
15 ANCE OF A REGULAR LICENSE, THE FACTS SUPPORTING THE ISSUANCE OF
16 THAT TEMPORARY LICENSE.

17 (H) A STATEMENT BY THE APPLICANT LISTING THE NAMES,
18 ADDRESSES, AND TELEPHONE NUMBERS OF 2 INDIVIDUALS WHO ARE NOT
19 RELATED TO THE APPLICANT WHO MAY BE CONTACTED BY THE CONCEALED
20 WEAPON LICENSING BOARD AS REFERENCES FOR THE APPLICANT. A POLICE
21 AGENCY SHALL NOT DISCIPLINE A PEACE OFFICER WHO SERVES AS A REF-
22 ERENCE FOR AN APPLICANT UNDER THIS SUBDIVISION.

23 (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF 1 OF THE FOL-
24 LOWING INDIVIDUALS WHO ARE RELATED TO THE APPLICANT BY MARRIAGE,
25 BLOOD, OR ADOPTION WHO ARE 18 YEARS OF AGE OR OLDER OR, IF THE
26 APPLICANT HAS NONE OF THE FOLLOWING RELATIVES WHO ARE 18 YEARS OF
27 AGE OR OLDER, A STATEMENT BY THE APPLICANT THAT HE OR SHE HAS

1 NONE OF THE FOLLOWING RELATIVES WHO ARE 18 YEARS OF AGE OR
2 OLDER:

3 (i) HIS OR HER SPOUSE.

4 (ii) A PARENT.

5 (iii) A GRANDPARENT.

6 (iv) A GREAT-GRANDPARENT.

7 (v) AN UNCLE OR AUNT.

8 (vi) A BROTHER OR SISTER.

9 (vii) A NEPHEW OR NIECE.

10 (viii) A SON OR DAUGHTER.

11 (ix) A GRANDSON OR GRANDDAUGHTER.

12 (x) A GREAT-GRANDSON OR GREAT-GRANDDAUGHTER.

13 (2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING
14 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTION-
15 ALLY MAKING A MATERIAL FALSE STATEMENT ON THE APPLICATION IS A
16 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
17 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

18 (3) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING
19 THAT THE ACCEPTANCE OF THE LICENSE TO CARRY A CONCEALED PISTOL
20 CONSTITUTES IMPLIED CONSENT TO SUBMIT TO THE LAWFUL REQUEST OF A
21 PEACE OFFICER TO TAKE A CHEMICAL TEST AUTHORIZED UNDER SECTION
22 5K.

23 (4) AN INDIVIDUAL WHO INTENTIONALLY MAKES A MATERIAL FALSE
24 STATEMENT ON AN APPLICATION UNDER SUBSECTION (1) IS GUILTY OF A
25 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
26 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

1 (5) THE CONCEALED WEAPON LICENSING BOARD SHALL RETAIN A COPY
2 OF EACH APPLICATION FOR A LICENSE TO CARRY A CONCEALED PISTOL AS
3 AN OFFICIAL RECORD.

4 (6) EACH APPLICANT SHALL PAY A FEE OF \$100.00 AT THE TIME
5 THE APPLICATION IS SUBMITTED UNDER THIS SECTION. THE FEE SHALL
6 BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT
7 \$61.00 OF EACH FEE COLLECTED UNDER THIS SECTION IN THE GENERAL
8 FUND OF THE COUNTY. THAT AMOUNT SHALL BE CREDITED TO THE COUNTY
9 SHERIFF FOR ALL COSTS TO THE COUNTY SHERIFF FOR IMPLEMENTING THIS
10 ACT INCLUDING, BUT NOT LIMITED TO, THE COST OF THE APPLICATION
11 KIT UNDER SECTION 5, AND THE COST OF FINGERPRINTING UNDER SUBSEC-
12 TION (9). THE COUNTY TREASURER SHALL FORWARD THE REMAINING
13 \$39.00 TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT
14 THE \$39.00 IN THE GENERAL FUND OF THIS STATE TO THE CREDIT OF THE
15 DEPARTMENT OF STATE POLICE. FEES COLLECTED UNDER THIS SECTION
16 SHALL BE USED ONLY TO IMPLEMENT THE FINGERPRINTING AND BACKGROUND
17 INVESTIGATION REQUIREMENTS OF THIS ACT.

18 (7) THE CONCEALED WEAPON LICENSING BOARD SHALL VERIFY THE
19 REQUIREMENTS OF SUBSECTION (8)(C) TO (I) THROUGH THE LAW ENFORCE-
20 MENT INFORMATION NETWORK. THE CONCEALED WEAPON LICENSING BOARD
21 MAY CONTACT REFERENCES PROVIDED BY AN APPLICANT UNDER SUBSECTION
22 (1)(G) AND (H).

23 (8) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED
24 WEAPON LICENSING BOARD SHALL PROMPTLY ISSUE A LICENSE TO AN
25 APPLICANT TO CARRY A CONCEALED PISTOL IF THE APPLICANT PROPERLY
26 SUBMITS AN APPLICATION UNDER SUBSECTION (1) AND THE CONCEALED

1 WEAPON LICENSING BOARD DETERMINES THAT ALL OF THE FOLLOWING
2 CIRCUMSTANCES EXIST:

3 (A) THE APPLICANT IS EITHER OF THE FOLLOWING:

4 (i) TWENTY-ONE YEARS OF AGE OR OLDER.

5 (ii) EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN 21 YEARS
6 OF AGE AND IS REQUIRED TO CARRY A CONCEALED PISTOL IN THE COURSE
7 OF HIS OR HER EMPLOYMENT.

8 (B) THE APPLICANT IS A CURRENT RESIDENT OF THIS STATE AND
9 HAS RESIDED IN THIS STATE 1 YEAR OR LONGER.

10 (C) THE APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSI-
11 TION ENTERED INTO THE LAW ENFORCEMENT INFORMATION NETWORK UNDER
12 ANY OF THE FOLLOWING:

13 (i) SECTION 464A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL
14 330.1464A.

15 (ii) SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642,
16 MCL 700.444A.

17 (iii) SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961,
18 1961 PA 236, MCL 600.2950.

19 (iv) SECTION 2950A OF THE REVISED JUDICATURE ACT OF 1961,
20 1961 PA 236, MCL 600.2950A.

21 (v) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCE-
22 DURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION
23 IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF
24 CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

25 (vi) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-
26 CEDURE, 1927 PA 175, MCL 769.16B.

1 (D) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING,
2 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
3 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN
4 PENAL CODE, 1931 PA 328, MCL 750.224F.

5 (E) THE APPLICANT HAS NEVER BEEN CONVICTED OF A VIOLENT
6 FELONY, HAS NOT BEEN CONVICTED OF OR CONFINED FOR A FELONY OTHER
7 THAN A VIOLENT FELONY IN THIS STATE OR ELSEWHERE DURING THE
8 8-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION,
9 AND A FELONY CHARGE AGAINST THE APPLICANT IS NOT PENDING AT THE
10 TIME HE OR SHE APPLIES FOR A LICENSE DESCRIBED IN THIS SECTION.
11 AS USED IN THIS SUBDIVISION:

12 (i) "CONFINED" INCLUDES, BUT IS NOT LIMITED TO, DETENTION IN
13 A JUVENILE FACILITY.

14 (ii) "CONVICTED" OR "CONVICTION" MEANS A FINAL CONVICTION,
15 THE PAYMENT OF A FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF
16 ACCEPTED BY THE COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW
17 VIOLATION OR A JUVENILE ADJUDICATION OR DISPOSITION BY THE JUVE-
18 NILE DIVISION OF PROBATE COURT OR FAMILY DIVISION OF CIRCUIT
19 COURT FOR A VIOLATION THAT IF COMMITTED BY AN ADULT WOULD BE A
20 CRIME, REGARDLESS OF WHETHER THE PENALTY IS REBATED OR
21 SUSPENDED.

22 (iii) "VIOLENT FELONY" MEANS A VIOLATION OF ANY OF THE
23 FOLLOWING:

24 (A) SECTION 82 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
25 750.82 (FELONIOUS ASSAULT).

26 (B) SECTION 83 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
27 750.83 (ASSAULT WITH INTENT TO COMMIT MURDER).

1 (C) SECTION 84 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
2 750.84 (ASSAULT WITH INTENT TO DO GREAT BODILY HARM LESS THAN
3 MURDER).

4 (D) SECTION 88 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
5 750.88 (ASSAULT WITH INTENT TO STEAL; UNARMED).

6 (E) SECTION 89 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
7 750.89 (ASSAULT WITH INTENT TO STEAL; ARMED).

8 (F) SECTION 91 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
9 750.91 (ATTEMPT TO MURDER).

10 (G) SECTION 110A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
11 MCL 750.110A (HOME INVASION).

12 (H) SECTION 136B(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
13 MCL 750.136B (FIRST DEGREE CHILD ABUSE).

14 (I) SECTION 157B(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
15 MCL 750.157B (SOLICITATION TO COMMIT MURDER).

16 (J) SECTION 197C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
17 MCL 750.197C (BREAKING OR ESCAPING JAIL, HEALTH CARE FACILITY, OR
18 OTHER PLACE OF CONFINEMENT).

19 (K) SECTION 316 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
20 750.316 (FIRST DEGREE MURDER).

21 (L) SECTION 317 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
22 750.317 (SECOND DEGREE MURDER).

23 (M) SECTION 321 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
24 750.321 (MANSLAUGHTER).

25 (N) SECTION 349 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
26 750.349 (KIDNAPPING).

1 (O) SECTION 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.411I (AGGRAVATED STALKING).

3 (P) SECTION 479 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
4 750.479 (RESISTING OR OBSTRUCTING OFFICER IN DISCHARGE OF DUTY).

5 (Q) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT).

7 (R) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
8 MCL 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT).

9 (S) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
10 MCL 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT).

11 (T) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL
13 CONDUCT).

14 (U) SECTION 529 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
15 750.529 (ARMED ROBBERY).

16 (V) SECTION 530 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
17 750.530 (UNARMED ROBBERY).

18 (W) SECTION 531 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
19 750.531 (BANK, SAFE, OR VAULT ROBBERY).

20 (X) SECTION 542 OF 1968 PA 302, MCL 752.542 (INCITING TO
21 RIOT).

22 (Y) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER
23 STATE, OR A LOCAL UNIT OF GOVERNMENT OF ANOTHER STATE SUBSTAN-
24 Tially CORRESPONDING TO A VIOLATION DESCRIBED IN
25 SUB-SUBPARAGRAPHS (A) TO (X).

26 (F) THE APPLICANT HAS NOT BEEN CONVICTED OF OR CONFINED FOR
27 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR IN

1 THE 8 YEARS PRECEDING THE APPLICATION OR BEEN CONVICTED OF OR
2 CONFINED FOR A VIOLENT MISDEMEANOR IN THE 8 YEARS PRECEDING THE
3 APPLICATION. AS USED IN THIS SUBDIVISION:

4 (i) "CONFINED" INCLUDES, BUT IS NOT LIMITED TO, DETENTION IN
5 A JUVENILE FACILITY.

6 (ii) "CONVICTED" MEANS A FINAL CONVICTION, THE PAYMENT OF A
7 FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
8 COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION OR A
9 JUVENILE ADJUDICATION OR DISPOSITION BY THE JUVENILE DIVISION OF
10 PROBATE COURT OR FAMILY DIVISION OF CIRCUIT COURT FOR A VIOLATION
11 THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME, REGARDLESS OF
12 WHETHER THE PENALTY IS REBATED OR SUSPENDED.

13 (iii) "VIOLENT MISDEMEANOR" MEANS A VIOLATION OF ANY OF THE
14 FOLLOWING:

15 (A) SECTION 81 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
16 750.81 (ASSAULT OR SPOUSE ABUSE).

17 (B) SECTION 324 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
18 750.324 (NEGLIGENT HOMICIDE).

19 (C) SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328,
20 MCL 750.411H (STALKING).

21 (D) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,
22 MCL 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT).

23 (E) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER
24 STATE, OR A LOCAL UNIT OF GOVERNMENT OF ANOTHER STATE SUBSTAN-
25 Tially CORRESPONDING TO A VIOLATION DESCRIBED IN
26 SUB-SUBPARAGRAPHS (A) TO (D).

1 (G) THE APPLICANT HAS NOT BEEN ACQUITTED OF ANY CRIME ON
2 GROUNDS OF INSANITY.

3 (H) THE APPLICANT IS NOT UNDER AN ORDER OF INVOLUNTARY COM-
4 MITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL
5 ILLNESS.

6 (I) THE APPLICANT IS NOT UNDER A COURT ORDER OF LEGAL INCA-
7 PACITY IN THIS STATE OR ELSEWHERE.

8 (J) THE APPLICANT CAN DOCUMENT KNOWLEDGE OR TRAINING IN THE
9 SAFE USE AND HANDLING OF A PISTOL BY 1 OF THE FOLLOWING:

10 (i) SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE
11 OR CLASS PRESENTED BY THE NATIONAL RIFLE ASSOCIATION.

12 (ii) SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING
13 COURSE OR CLASS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY
14 A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE,
15 OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS
16 TRAINING SCHOOL, AND USING INSTRUCTORS CERTIFIED BY THE NATIONAL
17 RIFLE ASSOCIATION OR BY THIS STATE.

18 (iii) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT FIREARMS
19 SAFETY TRAINING COURSE OR CLASS OFFERED FOR SECURITY GUARDS,
20 INVESTIGATORS, SPECIAL DEPUTIES, OR LAW ENFORCEMENT OFFICERS.

21 (K) ISSUING A LICENSE TO THE APPLICANT TO CARRY A CONCEALED
22 PISTOL IN THIS STATE IS NOT DETRIMENTAL TO THE SAFETY OF THE
23 APPLICANT OR TO ANY OTHER INDIVIDUAL.

24 (9) BEFORE SUBMITTING AN APPLICATION UNDER THIS SECTION, THE
25 INDIVIDUAL SHALL HAVE 2 SETS OF FINGERPRINTS TAKEN BY 1 OF THE
26 FOLLOWING:

1 (A) IF THE INDIVIDUAL LIVES IN A LOCAL UNIT OF GOVERNMENT
2 THAT HAS A POLICE DEPARTMENT, BY THAT POLICE DEPARTMENT.

3 (B) IF THE INDIVIDUAL LIVES IN A LOCAL UNIT OF GOVERNMENT
4 THAT DOES NOT HAVE A POLICE DEPARTMENT, BY THE COUNTY SHERIFF.

5 (10) A POLICE DEPARTMENT OR SHERIFF SHALL TAKE THE FINGER-
6 PRINTS OF AN INDIVIDUAL WITHIN THE EXPIRATION OF 3 BUSINESS DAYS
7 AFTER THE INDIVIDUAL REQUESTS HIS OR HER FINGERPRINTS TO BE TAKEN
8 UNDER SUBSECTION (9).

9 (11) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (9)
10 SHALL BE TAKEN ON A FORM FURNISHED BY THE DEPARTMENT OF STATE
11 POLICE AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET
12 OF FINGERPRINTS SHALL BE FORWARDED BY THE ENTITY TAKING THE FIN-
13 GERPRINTS TO THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF
14 STATE POLICE SHALL COMPARE THAT SET OF FINGERPRINTS WITH FINGER-
15 PRINTS ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE
16 OTHER SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (10) SHALL BE
17 TAKEN ON A FORM FURNISHED BY THE FEDERAL BUREAU OF INVESTIGATION
18 AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FIN-
19 GERPRINTS SHALL BE FORWARDED BY THE ENTITY TAKING THE FINGER-
20 PRINTS TO THE FEDERAL BUREAU OF INVESTIGATION OR AN ENTITY DESIG-
21 NATED BY THE FEDERAL BUREAU OF INVESTIGATION TO RECEIVE THOSE
22 FINGERPRINTS. THE REQUEST SHALL STATE THAT THE DEPARTMENT OF
23 STATE POLICE IS TO BE PROVIDED WITH THE REPORT OF THE
24 COMPARISON. WHEN THE DEPARTMENT OF STATE POLICE RECEIVES THE
25 REPORT, THE DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY OF
26 BOTH COMPARISONS TO THE ENTITY THAT TOOK THE FINGERPRINTS AND TO
27 THE CONCEALED WEAPON LICENSING BOARD OF THE COUNTY IN WHICH THE

1 APPLICANT RESIDES. THE DEPARTMENT OF STATE POLICE SHALL DESTROY
2 THE FINGERPRINTS WHEN THE DEPARTMENT PROVIDES THE COMPARISON
3 REPORT TO THE ENTITY THAT TOOK THE FINGERPRINTS AND THE CONCEALED
4 WEAPON LICENSING BOARD, OR UPON THE EXPIRATION OF 90 DAYS AFTER
5 THE FINGERPRINTS WERE SUBMITTED FOR COMPARISON, WHICHEVER IS
6 SOONER. IF THE FEDERAL BUREAU OF INVESTIGATION DOES NOT RETURN
7 THE FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE WITHIN THE
8 90-DAY PERIOD, THE DEPARTMENT OF STATE POLICE SHALL REQUIRE THE
9 FEDERAL BUREAU OF INVESTIGATION TO DESTROY THE FINGERPRINTS OR
10 SHALL REQUIRE THE FEDERAL BUREAU OF INVESTIGATION TO RETURN THE
11 FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR DESTRUCTION.
12 THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE A CONCEALED
13 WEAPON LICENSE UNDER THIS SECTION TO AN APPLICANT UNTIL THE CON-
14 CEALED WEAPON LICENSING BOARD HAS RECEIVED THE FINGERPRINT COM-
15 PARISON REPORTS REQUIRED UNDER THIS SUBSECTION. HOWEVER, IF THE
16 CONCEALED WEAPON LICENSING BOARD DOES NOT RECEIVE A FINGERPRINT
17 REPORT UNDER THIS SUBSECTION WITHIN THE EXPIRATION OF 90 DAYS
18 AFTER THE FINGERPRINTS ARE SUBMITTED FOR THAT REPORT, THE
19 REQUIREMENTS FOR THE REPORT ARE WAIVED, AND THE CONCEALED WEAPON
20 LICENSING BOARD SHALL NOT REFUSE TO ISSUE A LICENSE TO CARRY A
21 CONCEALED WEAPON IN THIS STATE ON GROUNDS THAT THE CONCEALED
22 WEAPON LICENSING BOARD DID NOT RECEIVE THE REPORT.

23 (12) THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE A
24 LICENSE TO AN APPLICANT TO CARRY A CONCEALED WEAPON IF ANY OF THE
25 FOLLOWING CIRCUMSTANCES EXIST:

26 (A) THE APPLICANT IS NOT QUALIFIED UNDER SUBSECTION (8) TO
27 RECEIVE THAT LICENSE.

1 (B) THE CONCEALED WEAPON LICENSING BOARD DETERMINES THAT
2 ISSUING A LICENSE TO THE APPLICANT THREATENS THE SAFETY OF THE
3 APPLICANT OR ANY OTHER INDIVIDUAL.

4 (13) IF THE CONCEALED WEAPON LICENSING BOARD ISSUES A
5 LICENSE TO AN INDIVIDUAL 18 YEARS OF AGE OR OLDER BUT LESS THAN
6 21 YEARS OF AGE, THE LICENSE SHALL BE RESTRICTED TO ALLOW THE
7 INDIVIDUAL TO CARRY A CONCEALED WEAPON ONLY IN THE COURSE OF HIS
8 OR HER EMPLOYMENT.

9 (14) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED
10 BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATE-
11 MENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

12 (15) THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE OR
13 DENY ISSUANCE OF A LICENSE WITHIN 30 DAYS AFTER THE CONCEALED
14 WEAPON LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT
15 PROVIDED UNDER SUBSECTION (11) OR WITHIN 120 DAYS AFTER THE
16 APPLICATION FOR A LICENSE IS SUBMITTED TO THE BOARD, WHICHEVER
17 OCCURS FIRST. IF THE CONCEALED WEAPON LICENSING BOARD DENIES
18 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, THE CONCEALED
19 WEAPON LICENSING BOARD SHALL IMMEDIATELY DO BOTH OF THE
20 FOLLOWING:

21 (A) INFORM THE APPLICANT IN WRITING OF THE REASONS FOR THE
22 DENIAL. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE ALL OF
23 THE FOLLOWING:

24 (i) A STATEMENT OF THE SPECIFIC AND ARTICULABLE FACTS SUP-
25 PORTING THE DENIAL.

26 (ii) COPIES OF ANY WRITINGS, PHOTOGRAPHS, RECORDS, OR OTHER
27 DOCUMENTARY EVIDENCE UPON WHICH THE DENIAL IS BASED.

1 (B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO
2 PETITION THE DISTRICT COURT UNDER SECTION 5D FOR REVIEW OF THE
3 DENIAL.

4 SEC. 5C. (1) A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE
5 IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE
6 LICENSE SHALL CONTAIN ALL OF THE FOLLOWING:

7 (A) THE LICENSEE'S FULL NAME AND STREET ADDRESS.

8 (B) A REGISTRATION NUMBER UNIQUE TO THAT LICENSE.

9 (C) A PHYSICAL DESCRIPTION OF THE LICENSEE.

10 (D) A PHOTOGRAPH OF THE LICENSEE.

11 (E) A STATEMENT OF THE EFFECTIVE DATES OF THE LICENSE.

12 (F) A STATEMENT THAT THE LICENSE AUTHORIZES THE LICENSEE TO
13 CARRY A CONCEALED PISTOL BUT DOES NOT AUTHORIZE THE LICENSEE TO
14 DISCHARGE OR OTHERWISE USE THE PISTOL IN VIOLATION OF ANY LAW,
15 AND THAT IMPROPER DISCHARGE OR USE OF THE PISTOL MAY RESULT IN
16 CRIMINAL AND CIVIL LIABILITY.

17 (G) A STATEMENT OF ANY RESTRICTIONS IMPOSED UNDER SECTION
18 5B(13).

19 (H) A STATEMENT THAT THE LICENSE IS VALID THROUGHOUT THE
20 STATE.

21 (2) A LICENSE ISSUED UNDER THIS ACT TO CARRY A CONCEALED
22 PISTOL IS VALID THROUGHOUT THIS STATE AND IS INTENDED FOR USE IN
23 OTHER STATES THAT RECOGNIZE A LICENSE TO CARRY A CONCEALED PISTOL
24 ISSUED BY ANOTHER STATE.

25 SEC. 5D. IF THE CONCEALED WEAPON LICENSING BOARD DENIES
26 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, OR FAILS TO
27 ISSUE THAT LICENSE AS PROVIDED IN THIS ACT, OR ISSUES A

1 RESTRICTED LICENSE, THE APPLICANT MAY PETITION THE DISTRICT COURT
2 IN THE JUDICIAL DISTRICT IN WHICH HE OR SHE RESIDES TO REVIEW THE
3 DENIAL, THE FAILURE TO ISSUE THE LICENSE, OR THE ISSUANCE OF A
4 RESTRICTED LICENSE. THE REVIEW OF THE DENIAL, FAILURE TO ISSUE A
5 LICENSE, OR ISSUANCE OF A RESTRICTED LICENSE SHALL BE MADE DE
6 NOVO.

7 SEC. 5E. (1) THE DEPARTMENT OF STATE POLICE SHALL CREATE
8 AND MAINTAIN A COMPUTERIZED DATA BASE OF INDIVIDUALS WHO APPLY
9 UNDER THIS ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE
10 DATA BASE SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH
11 APPLICANT:

12 (A) THE APPLICANT'S NAME, ADDRESS, AND COUNTY OF RESIDENCE.

13 (B) IF THE APPLICANT IS LICENSED TO CARRY A CONCEALED PISTOL
14 IN THIS STATE, THE LICENSE NUMBER AND DATE OF EXPIRATION.

15 (C) A STATEMENT OF ANY RESTRICTIONS IMPOSED.

16 (D) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE APPLICANT
17 WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL, A STATEMENT OF
18 THE REASONS FOR THAT DENIAL.

19 (2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A
20 CONCEALED PISTOL IS SUBSEQUENTLY ISSUED A LICENSE TO CARRY A CON-
21 CEALED PISTOL, THE DEPARTMENT OF STATE POLICE SHALL DELETE FROM
22 THE COMPUTERIZED DATA BASE THE PREVIOUS REASONS FOR THE DENIAL.

23 (3) THE DEPARTMENT OF STATE POLICE SHALL ENTER THE INFORMA-
24 TION DESCRIBED IN SUBSECTION (1)(A) TO (C) INTO THE LAW ENFORCE-
25 MENT INFORMATION NETWORK.

26 (4) INFORMATION IN THE DATA BASE IS CONFIDENTIAL AND SHALL
27 NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR

1 TO A POLICE AGENCY THROUGH THE LAW ENFORCEMENT INFORMATION
2 NETWORK TO VERIFY WHETHER AN INDIVIDUAL IS LICENSED TO CARRY A
3 CONCEALED PISTOL.

4 (5) THE DEPARTMENT OF STATE POLICE SHALL FILE AN ANNUAL
5 REPORT WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE
6 HOUSE OF REPRESENTATIVES SETTING FORTH ALL OF THE FOLLOWING
7 INFORMATION FOR EACH COUNTY CONCEALED WEAPON LICENSING BOARD:

8 (A) THE NUMBER OF CONCEALED PISTOL APPLICATIONS RECEIVED.

9 (B) THE NUMBER OF CONCEALED PISTOL LICENSES ISSUED.

10 (C) THE NUMBER OF CONCEALED PISTOL LICENSES DENIED.

11 (D) CATEGORIES FOR DENIAL UNDER SUBDIVISION (C).

12 (E) THE NUMBER OF CONCEALED PISTOL LICENSES REVOKED.

13 (F) CATEGORIES FOR REVOCATION UNDER SUBDIVISION (E).

14 (G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE
15 REPORT IS MADE.

16 SEC. 5F. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT
17 TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO
18 CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE
19 IS CARRYING A CONCEALED PISTOL.

20 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
21 CONCEALED PISTOL SHALL SHOW THAT LICENSE TO A PEACE OFFICER UPON
22 REQUEST BY THAT PEACE OFFICER.

23 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
24 FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN
25 \$100.00.

26 (4) A PISTOL CARRIED IN VIOLATION OF THIS SECTION IS SUBJECT
27 TO SEIZURE BY A PEACE OFFICER WITHOUT PROCESS. IF A PEACE

1 OFFICER SEIZES A PISTOL UNDER THIS SUBSECTION, THE INDIVIDUAL HAS
2 30 DAYS IN WHICH TO DISPLAY HIS OR HER LICENSE TO THE PEACE OFFI-
3 CER OR THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE
4 OFFICER. IF THE INDIVIDUAL DISPLAYS HIS OR HER LICENSE TO THE
5 PEACE OFFICER OR LAW ENFORCEMENT ENTITY BEFORE THE EXPIRATION OF
6 THE 30-DAY PERIOD, THE PEACE OFFICER OR LAW ENFORCEMENT ENTITY
7 SHALL RETURN THE PISTOL TO THE INDIVIDUAL. IF THE INDIVIDUAL
8 DOES NOT DISPLAY HIS OR HER LICENSE BEFORE THE EXPIRATION OF THE
9 30-DAY PERIOD, THE PISTOL IS SUBJECT TO FORFEITURE AS PROVIDED IN
10 SECTION 5G.

11 (5) A LAW ENFORCEMENT AGENCY THAT INTENTIONALLY OR NEGLI-
12 GENTLY LOSES OR DAMAGES A PISTOL SEIZED UNDER THIS SECTION IS
13 CIVILLY LIABLE FOR THAT LOSS OR DAMAGE IF THE PISTOL IS NOT
14 ORDERED FORFEITED UNDER SECTION 5G.

15 SEC. 5G. (1) A PISTOL CARRIED IN VIOLATION OF THIS ACT IS
16 SUBJECT TO SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROP-
17 ERTY IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO
18 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
19 600.4701 TO 600.4709.

20 (2) A LAW ENFORCEMENT AGENCY THAT INTENTIONALLY OR NEGLI-
21 GENTLY LOSES OR DAMAGES A PISTOL SEIZED UNDER THIS SECTION IS
22 CIVILLY LIABLE FOR THAT LOSS OR DAMAGE IF THE PISTOL IS NOT
23 ORDERED FORFEITED UNDER THIS SECTION.

24 SEC. 5H. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CON-
25 CEALD PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
26 ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT
27 LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY

1 TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE
2 TERMINATED, WHICHEVER OCCURS FIRST.

3 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
4 CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPI-
6 RATION OF THAT LICENSE AS PROVIDED IN SECTION 5M.

7 SEC. 5I. AN OWNER OF PRIVATE REAL PROPERTY MAY POST A SIGN
8 ON THAT REAL PROPERTY STATING THAT THE CARRYING OF CONCEALED PIS-
9 TOLS ON THAT REAL PROPERTY IS PROHIBITED.

10 SEC. 5N. (1) A POLICE AGENCY SHALL NOT PROHIBIT AN EMPLOYEE
11 OF THAT POLICE AGENCY FROM DOING EITHER OF THE FOLLOWING:

12 (A) APPLYING FOR AND RECEIVING A LICENSE TO CARRY A CON-
13 CEALED PISTOL AS PROVIDED IN THIS ACT.

14 (B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE
15 ISSUED UNDER THIS ACT.

16 (2) A POLICE AGENCY SHALL NOT DISCIPLINE OR OTHERWISE RETAL-
17 IATE AGAINST AN EMPLOYEE OF THAT POLICE AGENCY FOR PROVIDING
18 INFORMATION, INCLUDING BUT NOT LIMITED TO ORAL TESTIMONY, REGARD-
19 ING THE PROPRIETY OF ISSUING A LICENSE TO AN INDIVIDUAL TO CARRY
20 A CONCEALED PISTOL.

21 (3) AS USED IN THIS SECTION, "POLICE AGENCY" MEANS ANY OF
22 THE FOLLOWING:

23 (A) THE DEPARTMENT OF STATE POLICE.

24 (B) A POLICE DEPARTMENT OF A CITY, VILLAGE, OR TOWNSHIP.

25 (C) A COUNTY SHERIFF.

26 (D) A TOWNSHIP CONSTABLE.

1 (E) A POLICE DEPARTMENT OR PUBLIC SAFETY DEPARTMENT OF A
2 COLLEGE OR UNIVERSITY.

3 SEC. 5o. AN EMPLOYER SHALL NOT PROHIBIT AN EMPLOYEE FROM
4 DOING EITHER OF THE FOLLOWING:

5 (A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED
6 PISTOL UNDER THIS ACT.

7 (B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE
8 ISSUED UNDER THIS ACT. THIS SUBDIVISION DOES NOT PROHIBIT AN
9 EMPLOYER FROM PROHIBITING AN EMPLOYEE FROM CARRYING A CONCEALED
10 PISTOL IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THAT EMPLOYER.

11 Sec. 8. The CONCEALED WEAPON licensing board ~~herein cre-~~
12 ~~ated by section 6~~ THAT ISSUED A LICENSE TO AN APPLICANT TO CARRY
13 A CONCEALED PISTOL may revoke ~~any~~ THAT license ~~issued by it~~
14 ~~upon receiving a certificate of any magistrate showing that such~~
15 ~~licensee has been convicted of violating any of the provisions of~~
16 ~~this act, or has been convicted of a felony. Such license may~~
17 ~~also be revoked whenever in the judgment of said board the reason~~
18 ~~for granting such license shall have ceased to exist, or whenever~~
19 ~~said board shall for any reasonable cause determine said licensee~~
20 ~~to be an unfit person to carry a pistol concealed upon his~~
21 ~~person. No such~~ IF THE BOARD DETERMINES THAT THE INDIVIDUAL
22 COMMITTED ANY VIOLATION OF THIS ACT OTHER THAN A VIOLATION OF
23 SECTION 5F OR IF THE BOARD DETERMINES THAT THE INDIVIDUAL IS NOT
24 ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED
25 PISTOL. A license shall NOT be revoked UNDER THIS SECTION except
26 upon written complaint and ~~then only after~~ AN OPPORTUNITY FOR a
27 hearing ~~by said~~ BEFORE THE board. ~~, of which~~ THE BOARD SHALL

1 GIVE THE INDIVIDUAL at least 7 days' notice ~~shall be given to~~
2 ~~the licensee either~~ OF A HEARING UNDER THIS SECTION. THE NOTICE
3 SHALL BE by personal service or by ~~registered~~ CERTIFIED mail
4 DELIVERED to ~~his~~ THE INDIVIDUAL'S last known address. The
5 clerk of ~~said~~ THE CONCEALED WEAPON licensing board is ~~hereby~~
6 authorized to administer an oath to any ~~person~~ INDIVIDUAL tes-
7 tifying before ~~such~~ THE board at ~~any such~~ A hearing UNDER
8 THIS SECTION.

9 Sec. 12a. ~~Section 6 does~~ THE REQUIREMENTS OF THIS ACT
10 FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL DO not apply
11 to ANY OF THE FOLLOWING:

12 (a) A peace officer of a duly authorized police agency of
13 the United States or of this state or a political subdivision of
14 this state, who is regularly employed and paid by the United
15 States or this state or a subdivision of this state, except ~~that~~
16 ~~section 6 does apply to~~ a township constable.

17 (b) A constable who is trained and certified ~~pursuant to~~
18 ~~Act No. 203 of the Public Acts of 1965, as amended, being sec-~~
19 ~~tions 28.601 to 28.616 of the Michigan Compiled Laws, who is~~
20 UNDER THE MICHIGAN LAW ENFORCEMENT OFFICERS TRAINING COUNCIL ACT
21 OF 1965, 1965 PA 203, MCL 28.601 TO 28.616, WHILE engaged in his
22 or her official duties or going to or coming from his or her
23 official duties, and who is regularly employed and paid by a
24 political subdivision of this state.

25 (c) A person regularly employed by the department of correc-
26 tions and authorized in writing by the director of the department
27 of corrections to carry a concealed ~~weapon concealed~~ PISTOL

1 during the performance of his or her duties or while going to or
2 returning from his or her duties.

3 (d) A member of the army, air force, navy, or marine corps
4 of the United States while carrying a ~~weapon~~ CONCEALED PISTOL
5 in THE line of duty.

6 (e) A member of the national guard, armed forces reserves,
7 or other duly authorized military organization while on duty or
8 drill or while going to or returning from his or her place of
9 assembly or practice or while carrying a ~~weapon used~~ CONCEALED
10 PISTOL for purposes of a military organization.

11 (f) A ~~person~~ NONRESIDENT licensed BY ANOTHER STATE to
12 carry a CONCEALED pistol. ~~concealed upon his or her person~~
13 ~~issued by another state.~~

14 (g) The regular and ordinary transportation of a pistol as
15 merchandise by an authorized agent of a person licensed to manu-
16 facture firearms.

17 (h) A person while carrying a pistol unloaded in a wrapper
18 or container in the trunk of his or her vehicle from the place of
19 purchase to his or her home or place of business or to a place of
20 repair or back to his or her home or place of business, or in
21 moving goods from 1 place of abode or business to another place
22 of abode or business.

23 Enacting section 1. Section 3 of 1927 PA 372, MCL 28.423,
24 is repealed.

25 Enacting section 2. This amendatory act takes effect
26 January 1, 1999.

1 Enacting section 3. This amendatory act does not take
2 effect unless all of the following bills of the 89th Legislature
3 are enacted into law:

4 (a) Senate Bill No. ____ or House Bill No. ____ (request
5 no. 00241'97 a ***).

6 (b) Senate Bill No. ____ or House Bill No. ____ (request
7 no. 00241'97 b ***).

8 (c) Senate Bill No. ____ or House Bill No. ____ (request
9 no. 03890'97 **).

10 (d) Senate Bill No. ____ or House Bill No. ____ (request
11 no. 04589'97 **).

12 (e) Senate Bill No. ____ or House Bill No. ____ (request
13 no. 04590'97 **).

14 (f) Senate Bill No. ____ or House Bill No. ____ (request
15 no. 04591'97 **).

16 (g) Senate Bill No. ____ or House Bill No. ____ (request
17 no. 04592'97 **).

18 (h) Senate Bill No. ____ or House Bill No. ____ (request
19 no. 05184'97 *).