

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6337

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possess-
ing, 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 or other authoriza-
tion; to provide for the forfeiture of firearms 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 agen-
cies; 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 appropri-
ations; and to repeal all acts and parts of acts inconsistent
with this act,"

by amending sections 1, 5b, 5c, 5d, 5f, 5j, 5l, 5o, and 12a
(MCL 28.421, 28.425b, 28.425c, 28.425d, 28.425f, 28.425j,
28.425l, 28.425o, and 28.432a), sections 1, 5b, 5d, 5f, 5j,
and 5o as added and section 12a as amended by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
2 (A) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
3 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL

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1 761.1, OR A VIOLATION OF A LAW OF THE UNITED STATES OR ANOTHER
2 STATE THAT IS DESIGNATED AS A FELONY OR THAT IS PUNISHABLE BY
3 DEATH OR BY IMPRISONMENT FOR MORE THAN 1 YEAR.

4 (B) ~~(a)~~ "Firearm" means a weapon from which a dangerous
5 projectile may be propelled by an explosive, or by gas or air.
6 Firearm does not include a smooth bore rifle or handgun designed
7 and manufactured exclusively for propelling by a spring, or by
8 gas or air, BB's not exceeding .177 caliber.

9 (C) "MISDEMEANOR" MEANS A VIOLATION OF A PENAL LAW OF THIS
10 STATE OR VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
11 ING TO A VIOLATION OF A PENAL LAW OF THIS STATE THAT IS NOT A
12 FELONY OR A VIOLATION OF AN ORDER, RULE, OR REGULATION OF A STATE
13 AGENCY THAT IS PUNISHABLE BY IMPRISONMENT OR A FINE THAT IS NOT A
14 CIVIL FINE, OR BOTH.

15 (D) "PEACE OFFICER" MEANS, EXCEPT AS OTHERWISE PROVIDED IN
16 THIS ACT, AN INDIVIDUAL WHO IS EMPLOYED AS A LAW ENFORCEMENT
17 OFFICER, AS THAT TERM IS DEFINED UNDER SECTION 2 OF THE COMMIS-
18 SION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.602,
19 BY THIS STATE OR ANOTHER STATE, A POLITICAL SUBDIVISION OF THIS
20 STATE OR ANOTHER STATE, OR THE UNITED STATES, AND WHO IS REQUIRED
21 TO CARRY A FIREARM IN THE COURSE OF HIS OR HER DUTIES AS A LAW
22 ENFORCEMENT OFFICER.

23 (E) ~~(b)~~ "Pistol" means a loaded or unloaded firearm that
24 is 30 inches or less in length, or a loaded or unloaded firearm
25 that by its construction and appearance conceals it as a
26 firearm.

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1 (F) ~~(c)~~ "Purchaser" means a person who receives a pistol
2 from another person by purchase or gift.

3 (G) "RESERVE PEACE OFFICER", "AUXILIARY OFFICER", OR
4 "RESERVE OFFICER" MEANS, EXCEPT AS OTHERWISE PROVIDED IN THIS
5 ACT, AN INDIVIDUAL AUTHORIZED ON A VOLUNTARY OR IRREGULAR BASIS
6 BY A DULY AUTHORIZED POLICE AGENCY OF THIS STATE OR A POLITICAL
7 SUBDIVISION OF THIS STATE TO ACT AS A LAW ENFORCEMENT OFFICER,
8 WHO IS RESPONSIBLE FOR THE PRESERVATION OF THE PEACE, THE PREVEN-
9 TION AND DETECTION OF CRIME, AND THE ENFORCEMENT OF THE GENERAL
10 CRIMINAL LAWS OF THIS STATE, AND WHO IS OTHERWISE ELIGIBLE TO
11 POSSESS A FIREARM UNDER THIS ACT.

12 (H) "RETIRED POLICE OFFICER" OR "RETIRED LAW ENFORCEMENT
13 OFFICER" MEANS AN INDIVIDUAL WHO WAS A CERTIFIED POLICE OFFICER
14 OR CERTIFIED LAW ENFORCEMENT OFFICER AS THOSE TERMS ARE DEFINED
15 UNDER SECTION 2(K) OF THE COMMISSION ON THE LAW ENFORCEMENT STAN-
16 DARDS ACT, 1965 PA 203, MCL 28.602, AND RETIRED IN GOOD STANDING
17 FROM HIS OR HER EMPLOYMENT AS A POLICE OFFICER OR LAW ENFORCEMENT
18 OFFICER.

19 (I) ~~(d)~~ "Seller" means a person who sells or gives a
20 pistol to another person.

21 Sec. 5b. (1) To obtain a license to carry a concealed
22 pistol, an individual shall apply to the concealed weapon licens-
23 ing board in the county in which that individual resides. ~~for a~~
24 ~~license to carry a concealed pistol.~~ The application shall be
25 filed with the county clerk ~~as clerk of the concealed weapon~~
26 ~~licensing board~~ during the county clerk's normal business
27 hours. The application shall be on a form provided by the

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1 director of the department of state police and shall allow the
2 applicant to designate whether the applicant seeks a temporary
3 license. The application shall be signed under oath by the
4 applicant. The oath shall be administered by the county clerk or
5 his or her representative. The application shall contain all of
6 the following information:

7 (a) The applicant's legal name ~~—~~ AND date of birth ~~—~~ and
8 the address of his or her primary residence. If the applicant
9 resides in a city, village, or township that has a police depart-
10 ment, the ~~information provided under this subdivision shall~~
11 ~~include a statement that the city, village, or township has a~~
12 NAME OF THE police department.

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

16 (c) A statement by the applicant ~~providing authority to~~
17 AUTHORIZING the concealed weapon licensing board to access any
18 record, INCLUDING ANY MEDICAL RECORD, pertaining to the
19 APPLICANT'S qualifications ~~of an applicant~~ for a license to
20 carry a concealed pistol under this act. THE APPLICANT MAY
21 REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENS-
22 ING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED
23 SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED,
24 THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY
25 FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER
26 REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED
27 SESSION MEDICAL RECORDS AND PERSONAL IDENTIFYING. INFORMATION RECEIVED
BY THE CONCEALED WEAPON LICENSING

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1 BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL, IS NOT SUBJECT TO
2 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
3 MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON
4 EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES
5 OR IF THE APPLICANT IS CONVICTED OF A FELONY INVOLVING A PISTOL.

6 (d) A statement by the applicant regarding whether he or she
7 has a history of mental illness that would disqualify him or her
8 under subsection (7)(j) to (l) from receiving a license to carry
9 a concealed pistol, and ~~granting authority to~~ AUTHORIZING the
10 concealed weapon licensing board to access the mental health
11 records of the applicant relating to his or her mental health
12 history. The applicant may request that information received by
13 the concealed weapon licensing board under this subdivision be
14 reviewed in a closed session. If the applicant requests that the
15 session be closed, the concealed weapon licensing board shall
16 close the session only for purposes of this subdivision. The
17 applicant and his or her representative have the right to be
18 present in the closed session. MEDICAL RECORDS AND PERSONAL IDENTIFYING
19 Information received by the con-
20 cealed weapon licensing board under this subdivision is
21 confidential, IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF
22 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, and shall not
23 be disclosed to any person except for purposes of this act OR FOR
24 LAW ENFORCEMENT PURPOSES.

25 (e) A statement by the applicant regarding whether he or she
26 has ever been convicted in this state or elsewhere for any felony
or misdemeanor.

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1 (f) A statement by the applicant whether he or she ~~is~~ HAS
2 BEEN dishonorably discharged from the United States armed
3 forces.

4 (g) If the applicant seeks a temporary license, the facts
5 supporting the issuance of that temporary license.

6 (h) ~~A statement setting forth the~~ THE names, residential
7 addresses, and telephone numbers of 2 individuals who are refer-
8 ences for the applicant.

9 (i) A passport-quality photograph of the applicant provided
10 by the applicant AT THE TIME OF APPLICATION.

11 (J) A CERTIFICATE STATING THAT THE APPLICANT HAS COMPLETED
12 THE TRAINING COURSE PRESCRIBED BY THIS ACT.

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 \$2,500.00, or both.

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

22 (4) The concealed weapon licensing board shall retain a copy
23 of each application for a license to carry a concealed pistol as
24 an official record. ONE YEAR AFTER THE EXPIRATION OF A CONCEALED
25 PISTOL LICENSE, THE COUNTY CLERK MAY DESTROY THE RECORD AND MAIN-
26 TAIN ONLY A NAME INDEX OF THE RECORD.

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1 (5) Each applicant shall pay a fee of ~~-\$55.00-~~ \$105.00 by
2 any method of payment accepted by that county for payments of
3 other fees and penalties. ~~, plus an additional assessment of~~
4 ~~\$5.00 for deposit in the concealed weapon enforcement fund under~~
5 ~~section 5v at the time of filing an application under this~~
6 ~~section.~~ A unit of local government, an agency of a unit of
7 local government, or an agency or department of this state shall
8 not charge an additional fee, assessment, or other amount in con-
9 nection with a license under this section. ~~, other than the fin-~~
10 ~~gerprint fee provided for in this act.~~ The fee ~~and assessment~~
11 shall be payable to the county. The county treasurer shall
12 deposit ~~-\$10.00-~~ \$41.00 of each fee collected under this section
13 in the general fund of the county ~~to the credit of the county~~
14 ~~clerk~~ AND CREDIT \$26.00 OF THAT DEPOSIT TO THE CREDIT OF THE
15 COUNTY CLERK AND \$15.00 OF THAT DEPOSIT TO THE CREDIT OF THE
16 COUNTY SHERIFF and forward the balance to the state treasurer.
17 The state treasurer shall deposit the balance of the fee in the
18 general fund to the credit of the department of state police.
19 ~~The state treasurer shall deposit the assessment in the con-~~
20 ~~cealed weapon enforcement fund created in section 5v.~~ Each
21 county shall report to the senate and house fiscal agencies by
22 October 1 of each year its costs per applicant to implement this
23 section. THE DEPARTMENT OF STATE POLICE SHALL USE THE MONEY
24 RECEIVED UNDER THIS ACT TO PROCESS THE FINGERPRINTS AND TO REIM-
25 BURSE THE FEDERAL BUREAU OF INVESTIGATION FOR THE COSTS ASSOCI-
26 ATED WITH PROCESSING FINGERPRINTS SUBMITTED UNDER THIS ACT. THE

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1 BALANCE OF THE MONEY RECEIVED UNDER THIS ACT SHALL BE CREDITED TO
2 THE DEPARTMENT OF STATE POLICE.

3 (6) The county sheriff on behalf of the concealed weapon
4 licensing board shall verify the requirements of subsection
5 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the
6 law enforcement information network and report his or her finding
7 to the concealed weapon licensing board. If the applicant
8 resides in a city, village, or township that has a police depart-
9 ment, the concealed weapon licensing board shall contact that
10 city, village, or township police department to determine only
11 whether that city, village, or township police department has any
12 information relevant to the investigation of whether the appli-
13 cant is eligible under this act to receive a license to carry a
14 concealed pistol.

15 (7) The concealed weapon licensing board shall issue a
16 license to an applicant to carry a concealed pistol within the
17 period required under this act after the applicant properly sub-
18 mits an application under subsection (1) and the concealed weapon
19 licensing board determines that all of the following circum-
20 stances exist:

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

22 (b) The applicant is a citizen of the United States or is a
23 resident legal alien as defined in section 11 of title 18 of the
24 United States Code, is a resident of this state, and has resided
25 in this state for at least 6 months. The concealed weapon
26 licensing board may waive the 6-month residency requirement for a
27 temporary license under section 5a(8) if the concealed weapon

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1 licensing board determines there is probable cause to believe the
2 safety of the applicant or the safety of a member of the
3 applicant's family is endangered by the applicant's inability to
4 immediately obtain a license to carry a concealed pistol.

5 (c) The applicant has knowledge and has had training in the
6 safe use and handling of a pistol by the successful completion of
7 a pistol safety training course or class that meets the require-
8 ments of section 5j, and that is available to the general public
9 and presented by a law enforcement agency, junior or community
10 college, college, or public or private institution or organiza-
11 tion or firearms training school.

12 (d) The applicant is not the subject of an order or disposi-
13 tion under any of the following:

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

16 (ii) Former section 444a of the revised probate code, 1978
17 PA 642, MCL 700.444a, or section 5107 of the estates and pro-
18 tected individuals code, 1998 PA 386, MCL 700.5107.

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

21 (iv) 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 (v) Section 16b of chapter IX of the code of criminal proce-
26 dure, 1927 PA 175, MCL 769.16b.

1 (e) 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 (f) The applicant has never been convicted of a felony in
6 this state or elsewhere, and a felony charge against the appli-
7 cant is not pending in this state or elsewhere at the time he or
8 she applies for a license described in this section.

9 (g) The applicant ~~is~~ HAS not BEEN dishonorably discharged
10 from the United States armed forces.

11 (h) The applicant has not been convicted of a misdemeanor
12 violation of any of the following in the 8 years immediately pre-
13 ceding the date of application:

14 (i) SECTION 617A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
15 MCL 257.617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL INJURY
16 ACCIDENT).

17 (ii) ~~(i)~~ Section ~~625(1)~~ 625 of the Michigan vehicle code, 1949
18 PA 300, MCL 257.625, punishable as provided in subsection (8)(b)
19 of that section (drunk driving, second offense).

(iii) SECTION 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
257.625M PUNISHABLE UNDER SUBSECTION (4) OF THAT SECTION (DRUNK DRIVING,
COMMERCIAL VEHICLE).

20 (iv) ~~(ii)~~ Section 626 of the Michigan vehicle code, 1949
21 PA 300, MCL 257.626 (reckless driving).

22 (v) ~~(iii)~~ Section 904(1) of the Michigan vehicle code,
23 1949 PA 300, MCL 257.904 (driving while license suspended or
24 revoked), punishable as a second or subsequent offense.

(vi) SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN,
1945 PA 327, MCL 259.185 (OPERATING AIRCRAFT WITH ALCOHOL WITH PRIOR
CONVICTION).

25 (vii) ~~(iv)~~ Section 29 of THE WEIGHTS AND MEASURES ACT, 1964
26 PA 283, MCL 290.629 (hindering or obstructing weights and
27 measures enforcement officer).

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1 (viii) ~~(v)~~ Section 10 of the motor fuels quality act, 1984
2 PA 44, MCL 290.650 (hindering, obstructing, assaulting, or com-
3 mitting bodily injury upon director or authorized
4 representative).

(ix) SECTION 80134 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80134, PUNISHABLE UNDER SUBSECTION (5) OR (6) OF THAT SECTION (OPERATING ORV UNDER THE INFLUENCE, SECOND OR SUBSEQUENT OFFENSE).

(x) SECTION 82127 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82127 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE WITH PRIOR CONVICTION), PUNISHABLE UNDER SECTION 82128(1)(B) OR (C) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82128.

5 (xi) SECTION 80176 OF THE NATURAL RESOURCES AND ENVIRONMEN-
6 TAL PROTECTION ACT, 1994 PA 451, MCL 324.80176, AND PUNISHABLE
7 UNDER SECTION 80177(1)(B) (OPERATING VESSEL UNDER THE INFLUENCE,
8 SECOND OR SUBSEQUENT OFFENSE).

(xii) ~~(vi)~~ Section 7403 of the public health code, 1978
9 PA 368, MCL 333.7403.

(xiii) SECTION 353 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.353 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE), PUNISHABLE UNDER SUBSECTION (4) OF THAT SECTION.

10 (xiv) ~~(vii)~~ Section 7 of 1978 PA 33, MCL 722.677
11 (displaying sexually explicit materials to minors).

12 (xv) ~~(viii)~~ Section 81 of the Michigan penal code, 1931
13 PA 328, MCL 750.81 (assault or domestic assault).

14 (xvi) ~~(ix)~~ Section 81a(1) or (2) of the Michigan penal
15 code, 1931 PA 328, MCL 750.81a (aggravated assault or aggravated
16 domestic assault).

17 (xvii) SECTION 115 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.115 (ENTERING WITHOUT BREAKING).

19 (xviii) ~~(x)~~ Section ~~136b(5)~~ 136B(6) of the Michigan penal
20 code, 1931 PA 328, MCL 750.136b (fourth degree child abuse).

21 (xvix) ~~(xi)~~ Section 145a of the Michigan penal code, 1931
22 PA 328, MCL 750.145a (accosting, enticing, or soliciting a child
23 for immoral purposes).

24 (xx) ~~(xii)~~ Section 145n of the Michigan penal code, 1931
25 PA 328, MCL 750.145n (vulnerable adult abuse).

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1 ~~(xxi)~~ ~~(xiii)~~ Section 157b(3)(b) of the Michigan penal
2 code, 1931 PA 328, MCL 750.157b (solicitation to commit a
3 felony).

4 ~~(xxii)~~ ~~(xiv)~~ Section 215 of the Michigan penal code, 1931
5 PA 328, MCL 750.215 (impersonating sheriff, conservation officer,
6 coroner, constable, or police officer).

7 ~~(xxiii)~~ ~~(xv)~~ Section 223 of the Michigan penal code, 1931
8 PA 328, MCL 750.223 (illegal sale of a firearm or ammunition).

9 ~~(xxiv)~~ ~~(xvi)~~ Section 224d of the Michigan penal code, 1931
10 PA 328, MCL 750.224d (illegal sale of a self-defense spray).

11 ~~(xxv)~~ ~~(xvii)~~ Section 226a of the Michigan penal code, 1931
12 PA 328, MCL 750.226a (sale or possession of a switchblade).

13 ~~(xxvi)~~ ~~(xviii)~~ Section 227c of the Michigan penal code,
14 1931 PA 328, MCL 750.227c (improper transportation of a
15 firearm).

16 ~~(xxvii)~~ ~~(xix)~~ Section 228 of the Michigan penal code, 1931
17 PA 328, MCL 750.228 (failure to have a pistol inspected).

18 ~~(xxviii)~~ ~~(xx)~~ Section 229 of the Michigan penal code, 1931
19 PA 328, MCL 750.229 (accepting a pistol in pawn).

20 ~~(xxvix)~~ ~~(xxi)~~ Section 232 of the Michigan penal code, 1931
21 PA 328, MCL 750.232 (failure to register the purchase of a fire-
22 arm or a firearm component).

23 ~~(xxx)~~ ~~(xxii)~~ Section 232a of the Michigan penal code, 1931
24 PA 328, MCL 750.232a (improperly obtaining a pistol, making a
25 false statement on an application to purchase a pistol, or using
26 false identification to purchase a pistol).

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1 ~~(xxxi)~~ ~~(xxiii)~~ Section 233 of the Michigan penal code,
2 1931 PA 328, MCL 750.233 (intentionally aiming a firearm without
3 malice).

4 ~~(xxxii)~~ ~~(xxiv)~~ Section 234 of the Michigan penal code,
5 1931 PA 328, MCL 750.234 (intentionally discharging a firearm
6 aimed without malice).

7 ~~(xxxiii)~~ ~~(xxv)~~ Section 234d of the Michigan penal code,
8 1931 PA 328, MCL 750.234d (possessing a firearm on prohibited
9 premises).

10 ~~(xxxiv)~~ ~~(xxvi)~~ Section 234e of the Michigan penal code,
11 1931 PA 328, MCL 750.234e (brandishing a firearm in public).

12 ~~(xxxv)~~ ~~(xxvii)~~ Section 234f of the Michigan penal code,
13 1931 PA 328, MCL 750.234f (possession of a firearm by an individ-
14 ual less than 18 years of age).

15 ~~(xxxvi)~~ ~~(xxviii)~~ Section 235 of the Michigan penal code,
16 1931 PA 328, MCL 750.235 (intentionally discharging a firearm
17 aimed without malice causing injury).

18 ~~(xxxvii)~~ ~~(xxix)~~ Section 235a of the Michigan penal code,
19 1931 PA 328, MCL 750.235a (parent of a minor who possessed a
20 firearm in a weapon free school zone).

21 ~~(xxxviii)~~ ~~(xxx)~~ Section 236 of the Michigan penal code,
22 1931 PA 328, MCL 750.236 (setting a spring gun or other device).

23 ~~(xxxix)~~ ~~(xxxi)~~ Section 237 of the Michigan penal code,
24 1931 PA 328, MCL 750.237 (possessing a firearm while under the
25 influence of intoxicating liquor or a drug).

26 ~~(xl)~~ ~~(xxxii)~~ Section 237a of the Michigan penal code,
27 1931 PA 328, MCL 750.237a (weapon free school zone violation).

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1 (xli) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931

2 PA 328, MCL 750.335A (INDECENT EXPOSURE).

3 (xlii) ~~(xxxiii)~~ Section 411h of the Michigan penal code,

4 1931 PA 328, MCL 750.411h (stalking).

5 (xliii) ~~(xxxiv)~~ Section 1 of 1952 PA 45, MCL 752.861

6 (reckless, careless, or negligent use of a firearm resulting in
7 injury or death).

8 (xliv) ~~(xxxv)~~ Section 2 of 1952 PA 45, MCL 752.862

9 (careless, reckless, or negligent use of a firearm resulting in
10 property damage).

11 (xlv) ~~(xxxvi)~~ Section 3a of 1952 PA 45, MCL 752.863a

12 (reckless discharge of a firearm).

13 (xlvi) ~~(xxxvii)~~ A violation of a law of the United States,

14 another state, or a local unit of government of this state or

15 another state substantially corresponding to a violation

16 described in subparagraphs (i) to ~~(xxxvi)~~ (xlv).

17 ~~(i) The applicant has not been convicted of any other mis-~~
18 ~~demeanor in this state or elsewhere, in the 3 years immediately~~
19 ~~preceding the date of application.~~

20 (I) THE APPLICANT HAS NOT BEEN CONVICTED OF A MISDEMEANOR

21 VIOLATION OF ANY OF THE FOLLOWING IN THE 3 YEARS IMMEDIATELY PRE-

22 CEDING THE DATE OF APPLICATION UNLESS THE MISDEMEANOR VIOLATION IS LISTED
23 UNDER SUBDIVISION (H):

24 (i) SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

25 MCL 257.625 (OPERATING UNDER THE INFLUENCE).

26 (ii) SECTION 625A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

27 MCL 257.625A (REFUSAL OF COMMERCIAL VEHICLE DRIVER TO SUBMIT TO A

CHEMICAL TEST).

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1 (iii) SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949

2 PA 300, MCL 257.625K (NEGLIGENTLY FAILS TO COMPLY).

3 (iv) SECTION 625I OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

4 MCL 257.625I (CIRCUMVENTING AN IGNITION INTERLOCKING DEVICE).

5 (v) SECTION 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,

6 MCL 257.625M, PUNISHABLE UNDER SUBSECTION (3) OF THAT SECTION. (OPERATING
A COMMERCIAL VEHICLE WITH ALCOHOL

7 CONTENT).

8 (vi) SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF

9 MICHIGAN, 1945 PA 327, MCL 259.185 (OPERATING AIRCRAFT UNDER THE
10 INFLUENCE).

11 (vii) SECTION 81134 OF THE NATURAL RESOURCES AND ENVIRONMEN-

12 TAL PROTECTION ACT, 1994 PA 451, MCL 324.81134 (OPERATING ORV

13 UNDER THE INFLUENCE).

14 (viii) SECTION 81135 OF THE NATURAL RESOURCES AND ENVIRON-

15 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81135 (OPERATING ORV

16 HAVING CONSUMED CONTROLLED SUBSTANCE).

(ix) SECTION 82127 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION ACT, 1994 PA 451, MCL 324.82127 (OPERATING A SNOWMOBILE UNDER
THE INFLUENCE).

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20 (x) PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
21 333.7401 TO 333.7461 (CONTROLLED SUBSTANCES).

(xi) SECTION 353 OF THE RAILROAD CODE OF 1993, 1993 PA 354, MCL
462.353 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE), PUNISHABLE UNDER
SUBSECTION (3) OF THAT SECTION.

(xii) SECTION 167 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
750.167 (DISORDERLY PERSON).

22 (xiii) SECTION 174 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
23 MCL 750.174 (EMBEZZLEMENT).

24 (xiv) SECTION 218 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.218 (FALSE PRETENSES).

26 (xv) SECTION 356 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.356 (LARCENY).

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1 (xvi) SECTION 356D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.356D (RETAIL FRAUD).

3 (xvii) SECTION 359 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
4 MCL 750.359 (LARCENY-VACANT BUILDING).

5 (xviii) SECTION 362 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.362 (LARCENY BY CONVERSION).

7 (xix) SECTION 362A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
8 MCL 750.362A (DEFRAUDING LESSOR).

9 (xx) SECTION 377A OF THE MICHIGAN PENAL CODE, 1931 PA
10 328, MCL 750.377A (MALICIOUS DESTRUCTION OF PROPERTY).

11 (xxi) SECTION 380 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.380 (MALICIOUS DESTRUCTION OF REAL PROPERTY).

13 (xxii) SECTION 479A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
14 MCL 750.479A (FAILURE TO OBEY POLICE DIRECTION).

15 (xxiii) SECTION 535 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
16 MCL 750.535 (RECEIVING STOLEN PROPERTY).

17 (xxiv) SECTION 540E OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.540E (MALICIOUS USE OF TELEPHONES).

19 (xxv) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER STATE, OR A
LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY
CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (xxiv).

20 (j) The applicant has not been found guilty but mentally ill
21 of any crime and has not offered a plea of not guilty of, or been
22 acquitted of, any crime by reason of insanity.

23 (k) The applicant has never been subject to an order of
24 involuntary commitment in an inpatient or outpatient setting due
25 to mental illness.

26 (l) The applicant does not have a diagnosed mental illness
27 at the time the application is made regardless of whether he or
she is receiving treatment for that illness.

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1 (m) The applicant is not under a court order of legal
2 incapacity in this state or elsewhere.

3 ~~(n) The applicant has knowledge and has had training in the~~
4 ~~safe use and handling of a pistol by the successful completion of~~
5 ~~a pistol safety training course or class that meets the require-~~
6 ~~ments of section 5j, and that is available to the general public~~
7 ~~and presented by a law enforcement agency, junior or community~~
8 ~~college, college, or public or private institution or organiza-~~
9 ~~tion or firearms training school.~~

10 (N) ~~(o)~~ Issuing a license to the applicant to carry a con-
11 cealed pistol in this state is not detrimental to the safety of
12 the applicant or to any other individual. A determination under
13 this subdivision shall be based on clear and convincing evidence
14 of ~~civil infractions,~~ REPEATED VIOLATIONS OF THIS ACT, crimes,
15 personal protection orders or injunctions, or police reports or
16 other clear and convincing evidence of the actions of, or state-
17 ments of, the applicant that bear directly on the applicant's
18 ability to carry a concealed pistol.

19 (8) Upon entry of a court order or conviction of 1 of the
20 enumerated prohibitions for using, transporting, selling, pur-
21 chasing, carrying, shipping, receiving or distributing a firearm
22 in this section the department of state police shall immediately
23 enter the order or conviction into the law enforcement informa-
24 tion network. For purposes of this act, information of the court
25 order or conviction shall not be removed from the law enforcement
26 information network, but may be moved to a separate file intended
27 for the use of the county concealed weapon licensing boards, the

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1 courts, and other government entities as necessary and
2 exclusively to determine eligibility to be licensed under this
3 act.

4 ~~(9) Before submitting an application under this section,~~
5 ~~the individual shall have 2 sets of classifiable fingerprints~~
6 ~~taken by the county sheriff. A sheriff may charge a fee for the~~
7 ~~actual and reasonable costs of taking the fingerprints, but not~~
8 ~~more than \$15.00.~~

9 ~~(10) The county sheriff shall take the fingerprints of an~~
10 ~~individual within the expiration of 5 business days after the~~
11 ~~individual requests his or her fingerprints to be taken under~~
12 ~~subsection (9).~~

13 ~~(11) One set of fingerprints taken under subsection (9)~~
14 ~~shall be taken on a form furnished by the department of state~~
15 ~~police and provided to the applicant under section 5. That set~~
16 ~~of fingerprints shall be forwarded immediately by the county~~
17 ~~sheriff to the department of state police. The department of~~
18 ~~state police shall compare that set of fingerprints with finger-~~
19 ~~prints already on file with the department of state police. The~~
20 ~~other set of fingerprints taken under subsection (9) shall be~~
21 ~~taken on a form furnished by the federal bureau of investigation~~
22 ~~and provided to the applicant under section 5. That set of fin-~~
23 ~~gerprints shall be forwarded immediately by the county sheriff to~~
24 ~~the department of state police who shall forward that set of fin-~~
25 ~~gerprints to the federal bureau of investigation or an entity~~
26 ~~designated by the federal bureau of investigation to receive~~
27 ~~those fingerprints. The request shall state that the department~~

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~~1 of state police is to be provided with the report of the
2 comparison. The department of state police shall within 10 days
3 after receiving the report provide a copy of both comparisons to
4 the county sheriff who took the fingerprints and to the concealed
5 weapon licensing board of the county in which the applicant
6 resides. The concealed weapon licensing board shall not issue a
7 concealed weapon license under this section to an applicant until
8 the concealed weapon licensing board has received the fingerprint
9 comparison reports required under this subsection. The concealed
10 weapon licensing board is not required to issue a concealed weap-
11 ons license to an applicant if that applicant's fingerprints are
12 determined to be unclassifiable by the federal bureau of
13 investigation.~~

14 (9) AN INDIVIDUAL, AFTER SUBMITTING AN APPLICATION AND
15 PAYING THE FEE PRESCRIBED UNDER SUBSECTION (5), SHALL REQUEST AND
16 HAVE CLASSIFIABLE FINGERPRINTS TAKEN BY THE COUNTY SHERIFF OR A LOCAL
17 POLICE AGENCY. THE
18 COUNTY SHERIFF OR LOCAL POLICE AGENCY SHALL TAKE THE FINGERPRINTS WITHIN
19 5 BUSINESS DAYS
20 AFTER THE REQUEST.

21 (10) THE FINGERPRINTS SHALL BE TAKEN, UNDER SUBSECTION (9),
22 ON FORMS AND IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE
23 POLICE. THE FINGERPRINTS SHALL BE IMMEDIATELY FORWARDED TO THE
24 DEPARTMENT OF STATE POLICE FOR COMPARISON WITH FINGERPRINTS
25 ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE DEPART-
26 MENT OF STATE POLICE SHALL FORWARD THE FINGERPRINTS TO THE FED-
27 ERAL BUREAU OF INVESTIGATION. WITHIN 10 DAYS AFTER RECEIVING A
REPORT OF THE FINGERPRINTS FROM THE FEDERAL BUREAU OF
INVESTIGATION, THE DEPARTMENT OF STATE POLICE SHALL PROVIDE A

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1 COPY TO THE SUBMITTING SHERIFF'S DEPARTMENT OR LOCAL POLICE AGENCY AS
2 APPROPRIATE AND THE CLERK OF THE
3 APPROPRIATE CONCEALED WEAPON LICENSING BOARD. EXCEPT AS PROVIDED
4 IN SUBSECTION (14), THE CONCEALED WEAPON LICENSING BOARD SHALL
5 NOT ISSUE A CONCEALED PISTOLS LICENSE UNTIL IT RECEIVES THE FIN-
6 GERPRINT COMPARISON REPORT PRESCRIBED IN THIS SUBSECTION. THE
7 CONCEALED WEAPON LICENSING BOARD MAY DENY A LICENSE IF AN
8 INDIVIDUAL'S FINGERPRINTS ARE NOT CLASSIFIABLE BY THE FEDERAL
9 BUREAU OF INVESTIGATION.

9 (11) ~~(12)~~ The concealed weapon licensing board shall deny
10 a license to an applicant to carry a concealed pistol if the
11 applicant is not qualified under subsection (7) to receive that
12 license.

13 (12) ~~(13)~~ A license to carry a concealed pistol that is
14 issued based upon an application that contains a material false
15 statement is void from the date the license is issued.

16 (13) ~~(14)~~ Subject to subsections ~~(11)~~ (10) and ~~(15)~~
17 (14), the concealed weapon licensing board shall issue or deny
18 issuance of a license within ~~30~~ 45 days after the concealed
19 weapon licensing board receives the fingerprint comparison report
20 provided under subsection ~~(11)~~ (10). If the concealed weapon
21 licensing board denies issuance of a license to carry a concealed
22 pistol, the concealed weapon licensing board shall within 5 busi-
23 ness days do both of the following:

24 (a) Inform the applicant in writing of the reasons for the
25 denial. Information under this subdivision shall include all of
26 the following:

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1 (i) A statement of the specific and articulable facts
2 supporting the denial.

3 (ii) Copies of any writings, photographs, records, or other
4 documentary evidence upon which the denial is based.

5 (b) Inform the applicant in writing of his or her right to
6 appeal the denial to the circuit court as provided in section
7 5d.

8 (14) ~~(15)~~ If the fingerprint comparison report is not
9 received by the concealed weapon licensing board within ~~30~~ 60
10 days after the fingerprint report is forwarded to the department
11 of state police by the federal bureau of investigation, the con-
12 cealed weapon licensing board shall issue a temporary license to
13 carry a concealed pistol to the applicant if the applicant is
14 otherwise qualified for a license. A temporary license issued
15 under this section is valid for 180 days or until the concealed
16 weapon licensing board receives the fingerprint comparison report
17 provided under subsection ~~(11)~~ (10) and issues or denies issu-
18 ance of a license to carry a concealed pistol as otherwise pro-
19 vided under this act. Upon issuance or the denial of issuance of
20 the license to carry a concealed pistol to an applicant who
21 received a temporary license under this section, the applicant
22 shall immediately surrender the temporary license to the con-
23 cealed weapon licensing board that issued that temporary
24 license.

25 (15) IF AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
26 CONCEALED PISTOL MOVES TO A DIFFERENT COUNTY WITHIN THIS STATE,
27 HIS OR HER LICENSE REMAINS VALID UNTIL IT EXPIRES OR IS OTHERWISE

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1 SUSPENDED OR REVOKED UNDER THIS ACT. A LICENSE TO CARRY A
2 CONCEALED PISTOL THAT IS LOST, STOLEN, OR DEFACED MAY BE REPLACED
3 BY THE ISSUING COUNTY CLERK FOR A REPLACEMENT FEE OF \$10.00.

4 (16) IF A CONCEALED WEAPONS LICENSING BOARD SUSPENDS OR
5 REVOKES A LICENSE ISSUED UNDER THIS ACT, THE LICENSE IS FORFEITED
6 AND SHALL BE RETURNED TO THE CONCEALED WEAPONS LICENSING BOARD
7 FORTHWITH.

8 (17) ~~(16)~~ As used in this section:

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

15 (b) "Felony" means that term as defined in section 1 of
16 chapter I of the code of criminal procedure, 1927 PA 175,
17 MCL 761.1, or a violation of a law of the United States or
18 another state that is designated as a felony or that is punish-
19 able by death or by imprisonment for more than 1 year.

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

25 (d) "Misdemeanor" means a violation of a penal law of this
26 state or violation of a local ordinance substantially
27 corresponding to a violation of a penal law of this state that is

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1 not a felony or a violation of an order, rule, or regulation of a
2 state agency that is punishable by imprisonment or a fine that is
3 not a civil fine, or both.

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

7 Sec. 5c. (1) A license to carry a concealed pistol shall be
8 in a form, WITH THE SAME DIMENSIONS AS A MICHIGAN OPERATOR
9 LICENSE, prescribed by the department of state police. The
10 license shall contain all of the following:

11 (a) The licensee's full name ~~—~~ AND date of birth. ~~—, and~~
12 ~~street address.—~~

13 (b) A photograph and a physical description of the
14 licensee.

15 (c) A statement of the effective dates of the license.

16 (D) AN INDICATION OF EXCEPTIONS AUTHORIZED BY THIS ACT
17 APPLICABLE TO THE LICENSEE.

18 (E) AN INDICATION WHETHER THE LICENSE IS A DUPLICATE.

19 (2) Subject to section 50 and except as otherwise provided
20 by law, a license to carry a concealed pistol issued by the
21 county concealed weapon licensing board authorizes the licensee
22 to do all of the following:

23 (a) Carry a pistol concealed on or about his or her person
24 anywhere in this state.

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

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1 Sec. 5d. (1) If the concealed weapon licensing board denies
2 issuance of a license to carry a concealed pistol, or fails to
3 issue that license as provided in this act, the applicant may
4 appeal the denial or the failure to issue the license to the cir-
5 cuit court in the judicial circuit in which he or she resides.
6 The appeal of the denial or failure to issue a license shall be
7 determined by a review of the record for error, except that if
8 the decision of the concealed weapon licensing board was based
9 upon grounds specified in section ~~5b(7)(o)~~ 5B(7)(N) that por-
10 tion of the appeal shall be by hearing de novo. Witnesses in the
11 hearing shall be sworn. A jury shall not be provided in a hear-
12 ing under this section. ~~A verbatim record shall be made.~~

13 (2) If the court determines that the denial or failure to
14 issue a license was clearly erroneous, the court shall order the
15 concealed weapon licensing board to issue a license as required
16 by this act.

17 (3) If the court determines that the decision of the con-
18 cealed weapon licensing board to deny issuance of a license to an
19 applicant was arbitrary and capricious, the court shall order
20 this state to pay 1/3 and the county in which the concealed
21 weapon licensing board is located to pay 2/3 of the actual costs
22 and actual attorney fees of the applicant in appealing the
23 denial.

24 (4) If the court determines that an applicant's appeal was
25 frivolous, the court shall order the applicant to pay the actual
26 costs and actual attorney fees of the concealed weapon licensing
27 board in responding to the appeal.

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1 Sec. 5f. (1) An individual who is licensed under this act
2 to carry a concealed pistol shall have his or her license to
3 carry that pistol in his or her possession at all times he or she
4 is carrying a concealed pistol.

5 (2) An individual who is licensed under this act to carry a
6 concealed pistol AND WHO IS CARRYING A CONCEALED PISTOL shall
7 show both of the following to a peace officer upon request by
8 that peace officer:

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

10 (b) His or her driver license or Michigan personal identifi-
11 cation card.

12 (3) An individual licensed under this act to carry a con-
13 cealed pistol AND WHO IS CARRYING A CONCEALED PISTOL AND who is
14 stopped by a peace officer shall IMMEDIATELY disclose to the
15 peace officer that he or she is carrying a pistol concealed upon
16 his or her person or in his or her vehicle.

17 (4) An individual who violates subsection (1) or (2) is
18 responsible for a state civil infraction and may be fined not
19 more than \$100.00.

20 (5) An individual who violates subsection (3) is responsible
21 for a state civil infraction and may be fined as follows:

22 (a) For a first offense, by a fine of not more than \$500.00
23 or by the individual's license to carry a concealed pistol being
24 suspended for 6 months, or both.

25 (b) For a ~~second or~~ subsequent offense WITHIN 3 YEARS OF A
26 PRIOR OFFENSE, by a fine of not more than \$1,000.00 and by the
27 individual's license to carry a concealed pistol being revoked.

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1 (6) If an individual is found responsible for a STATE civil
2 infraction under this section, the court shall notify the depart-
3 ment of state police and the concealed weapon licensing board
4 that issued the license of that determination.

5 (7) A pistol carried in violation of this section is subject
6 to immediate seizure by a peace officer. If a peace officer
7 seizes a pistol under this subsection, the individual has 45 days
8 in which to display his or her license or documentation to an
9 authorized employee of the law enforcement entity that employs
10 the peace officer. If the individual displays his or her license
11 or documentation to an authorized employee of the law enforcement
12 entity that employs the peace officer within the 45-day period,
13 the authorized employee of that law enforcement entity shall
14 return the pistol to the individual unless the individual is pro-
15 hibited by law from possessing a firearm. If the individual does
16 not display his or her license or documentation ~~before the expi-~~
17 ~~ration of~~ WITHIN the 45-day period, the pistol is subject to
18 forfeiture as provided in section 5g. A pistol is not subject to
19 immediate seizure under this subsection if both of the following
20 circumstances exist:

21 (a) The individual has his or her driver license or Michigan
22 personal identification card in his or her possession when the
23 violation occurs.

24 (b) The peace officer verifies through the law enforcement
25 information network that the individual is licensed under this
26 act to carry a concealed pistol.

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1 Sec. 5j. (1) A pistol training or safety program described
2 in section ~~5b(7)(n)~~ 5B(7)(C) meets the requirements for
3 knowledge or training in the safe use and handling of a pistol
4 only if THE PROGRAM CONSISTS OF 8 HOURS OF INSTRUCTION AND all of
5 the following conditions are met:

6 (a) The program is certified by this state or a national or
7 state firearms training organization and provides 5 HOURS OF
8 instruction in, but is not limited to providing instruction in,
9 all of the following:

10 (i) The safe storage, use, and handling of a pistol includ-
11 ing, but not limited to, safe storage, use, and handling to pro-
12 tect child safety.

13 (ii) Ammunition knowledge, and the fundamentals of pistol
14 shooting.

15 (iii) Pistol shooting positions.

16 (iv) Firearms and the law, including civil liability issues
17 AND THE USE OF DEADLY FORCE. THIS PORTION SHALL BE TAUGHT BY AN
18 ATTORNEY OR AN INDIVIDUAL TRAINED IN THE USE OF DEADLY FORCE.

19 (v) Avoiding criminal attack and controlling a violent
20 confrontation.

21 (vi) All laws that apply to carrying a concealed pistol in
22 this state.

23 (B) ~~(vii) At~~ THE PROGRAM PROVIDES AT least ~~8~~ 3 hours of
24 instruction ~~, including 3 hours of~~ ON A firing range ~~time~~ AND
25 REQUIRES FIRING AT LEAST 30 ROUNDS OF AMMUNITION.

26 (C) ~~(b)~~ The program provides a certificate of completion
27 that states the program complies with the requirements of this

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1 section and that the individual successfully completed the
2 course, and that is signed by the course instructor.

3 (D) ~~(c)~~ The instructor of the course is certified by this
4 state or a national organization to teach the 8-hour pistol
5 safety training course described in this section.

6 (2) A person shall not do either of the following:

7 (a) Grant a certificate of completion described under sub-
8 section ~~(1)(b)~~ (1)(C) to an individual knowing the individual
9 did not satisfactorily complete the course.

10 (b) Present a certificate of completion described under sub-
11 section ~~(1)(b)~~ (1)(C) to a concealed weapon licensing board
12 knowing that the individual did not satisfactorily complete the
13 course.

14 (3) A person who violates subsection (2) is guilty of a
15 felony punishable by imprisonment for not more than 4 years or a
16 fine of not more than \$2,500.00, or both.

17 Sec. 5/. (1) A license to carry a concealed pistol ISSUED
18 BEFORE JULY 1, 2003 is valid for 3 years and ~~may be renewed in~~
19 ~~the same manner as the original license was received, except as~~
20 ~~follows:~~ A LICENSE TO CARRY A CONCEALED PISTOL ISSUED ON OR
21 AFTER JULY 1, 2003 IS VALID FOR 5 YEARS. A RENEWAL OF A LICENSE
22 UNDER SECTION 5B SHALL BE ISSUED IN THE SAME MANNER AS AN ORIGI-
23 NAL LICENSE ISSUED UNDER SECTION 5B.

24 ~~(a) The renewal fee is \$35.00. The fee shall be payable to~~
25 ~~the county. The county treasurer shall deposit the fee in the~~
26 ~~general fund of the county.~~

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1 ~~(b) For an individual who held a general nonrestricted~~
2 ~~license on July 1, 2001 and who was a peace officer or a former~~
3 ~~peace officer, the educational requirements of section 5b(7)(n)~~
4 ~~are waived. For an individual licensed on or after July 1, 2001,~~
5 ~~the educational requirements of section 5b(7)(n) are waived~~
6 ~~except that the applicant shall present a statement signed by the~~
7 ~~applicant certifying that he or she has completed not less than 3~~
8 ~~hours of review of the training described under section 5b(7)(n)~~
9 ~~since receiving his or her license, and that training included~~
10 ~~firing range time in the 6 months immediately preceding his or~~
11 ~~her renewal application. For any other individual licensed~~
12 ~~before July 1, 2001 applying for the first time under this sec-~~
13 ~~tion to renew his or her license to carry a concealed pistol, the~~
14 ~~educational requirements of section 5b(7)(n) are not waived.~~

15 ~~(2) An individual licensed to carry a concealed pistol under~~
16 ~~this act on July 1, 2001 is eligible for a renewal license at the~~
17 ~~fee provided for under this section. This subsection applies~~
18 ~~regardless of whether the license was restricted.~~

19 (2) THE EDUCATIONAL REQUIREMENTS UNDER SECTION 5B(7)(C) ARE
20 WAIVED FOR AN APPLICANT WHO IS A RETIRED POLICE OFFICER OR
21 RETIRED LAW ENFORCEMENT OFFICER.

22 (3) THE EDUCATIONAL REQUIREMENTS UNDER SECTION 5B(7)(C) FOR
23 AN APPLICANT WHO IS APPLYING FOR A RENEWAL OF A LICENSE UNDER
24 THIS ACT ARE WAIVED EXCEPT THAT THE APPLICANT SHALL CERTIFY THAT
25 HE OR SHE HAS COMPLETED AT LEAST 3 HOURS' REVIEW OF THE TRAINING
26 DESCRIBED UNDER SECTION 5B(7)(C) AND HAS HAD AT LEAST 1 HOUR OF

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1 FIRING RANGE TIME IN THE 6 MONTHS IMMEDIATELY PRECEDING THE
2 SUBSEQUENT APPLICATION.

3 Sec. 5o. (1) ~~An~~ SUBJECT TO SUBSECTION (4), AN individual
4 licensed under this act to carry a concealed pistol, or who is
5 exempt from licensure under section 12a(f), shall not carry a
6 concealed pistol on the premises of any of the following:

7 (a) A school or school property except that a parent or
8 legal guardian of a student of the school is not precluded from
9 carrying a concealed pistol while in a vehicle on school proper-
10 ty, if he or she is dropping the student off at the school or
11 picking up the child from the school. As used in this section,
12 "school" and "school property" mean those terms as defined in
13 section 237a of the Michigan penal code, 1931 PA 328,
14 MCL 750.237a.

15 (b) A public or private CHILD CARE CENTER OR day care
16 center, public or private child caring ~~agency~~ INSTITUTION, or
17 public or private child placing agency.

18 (c) A sports arena or stadium.

19 (d) A ~~dining room, lounge, or bar area of a premises~~ OR

20 TAVERN licensed under the Michigan liquor control code of 1998,
21 1998 PA 58, MCL 436.1101 to 436.2303, WHERE THE PRIMARY SOURCE OF
22 INCOME OF THE BUSINESS IS THE SALE OF ALCOHOLIC LIQUOR BY THE
23 GLASS AND CONSUMED ON THE PREMISES. This subdivision shall not
24 apply to an owner or employee of the ~~premises~~ BUSINESS. THE MICHIGAN
LIQUOR CONTROL COMMISSION SHALL DEVELOP AND MAKE AVAILABLE TO HOLDERS OF
LICENSES UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998. 1998 PA 58, MCL
436.1101 TO 436.2303. AN APPROPRIATE SIGN STATING THAT "THIS
ESTABLISHMENT PROHIBITS PATRONS FROM CARRYING CONCEALED WEAPONS". THE
OWNER OR OPERATOR OF AN ESTABLISHMENT LICENSED UNDER THE MICHIGAN LIQUOR
CONTROL CODE OF 1998. 1998 PA 58. MCL 436.1101 TO 436.2303. MAY. BUT
SHALL NOT BE REQUIRED TO. POST THE SIGN DEVELOPED UNDER THIS SUBDIVISION.
A RECORD MADE AVAILABLF BY AN ESTABLISHMENT LICENSED UNDER THE MICHIGAN
LIQUOR CONTROL CODE OF 1998. 1998 PA 58. MCL 436.1101 TO 436.2303.
NECESSARY TO ENFORCE THIS SUBDIVISION IS EXEMPT FROM DISCLOSURE UNDER THE
FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

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,

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1 temple, or other place of worship permit the carrying of
2 concealed pistol on that property or facility.

3 (f) An entertainment facility WITH A SEATING CAPACITY OF
4 2,500 OR MORE INDIVIDUALS that the individual knows or should
5 know has a seating capacity of 2,500 or more individuals or that
6 has a sign above each public entrance stating in letters not less
7 than 1-inch high a seating capacity of 2,500 or more
8 individuals.

9 (g) A hospital.

10 (h) A dormitory or classroom of a community college, col-
11 lege, or university.

12

13 (2) An individual licensed under this act to carry a con-
14 cealed pistol, or who is exempt from licensure under section
15 12a(f), shall not carry a concealed pistol in violation of
16 R 432.1212 or a successor rule of the Michigan administrative
17 code promulgated pursuant to the Michigan gaming control and rev-
18 enue act, the ~~initiated law~~ INITIATED LAW of 1996, MCL 432.201
19 to 432.226.

20 (3) AS USED IN SUBSECTION (1), "PREMISES" DOES NOT INCLUDE
21 PARKING AREAS OF THE PLACES IDENTIFIED UNDER SUBSECTION (1).

22 (4) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

23 (A) AN INDIVIDUAL LICENSED UNDER THIS ACT WHO IS A RETIRED
24 POLICE OFFICER OR RETIRED LAW ENFORCEMENT OFFICER. THE CONCEALED
25 WEAPON LICENSING BOARD MAY REQUIRE A LETTER FROM THE LAW ENFORCE-
26 MENT AGENCY STATING THAT THE RETIRED POLICE OFFICER OR LAW
27 ENFORCEMENT OFFICER RETIRED IN GOOD STANDING.

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1 (B) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS
2 EMPLOYED OR CONTRACTED BY AN ENTITY DESCRIBED UNDER SUBSECTION
3 (1) TO PROVIDE SECURITY SERVICES AND IS REQUIRED BY HIS OR HER
4 EMPLOYER OR THE TERMS OF A CONTRACT TO CARRY A CONCEALED FIREARM
5 ON THE PREMISES OF THE EMPLOYING OR CONTRACTING ENTITY.

6 (C) AN INDIVIDUAL WHO IS LICENSED AS A PRIVATE INVESTIGATOR
7 OR PRIVATE DETECTIVE UNDER THE PRIVATE DETECTIVE LICENSE ACT,
8 1965 PA 285, MCL 338.821 TO 338.851.

9 (D) ANY OF THE FOLLOWING WHO IS LICENSED UNDER THIS ACT
10 WHILE ON DUTY AND IN THE COURSE OF HIS OR HER EMPLOYMENT:

11 (i) A CORRECTIONS OFFICER OF A COUNTY SHERIFF'S DEPARTMENT.

12 (ii) A MOTOR CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF
13 THE DEPARTMENT OF STATE POLICE.

14 (iii) A MEMBER OF A SHERIFF'S POSSE.

15 (iv) AN AUXILIARY OFFICER OR RESERVE OFFICER OF A POLICE OR
16 SHERIFF'S DEPARTMENT.

17 (v) A PAROLE OR PROBATION OFFICER OF THE DEPARTMENT OF
18 CORRECTIONS.

19
20 (5) ~~(3) An individual who violates this section is respon-~~
21 ~~sible for a~~ ~~civil violation guilty of a crime~~
22 ~~as follows:~~

AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL
INFRACTION OR GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C). THE INDIVIDUAL
IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE
THAN \$500.00. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A
CONCEALED PISTOL SUSPENDED FOR 6 MONTHS.

(B) FOR A SECOND VIOLATION. THE INDIVIDUAL IS GUILTY OF A
MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00. THE COURT
SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

(C) FOR A THIRD OR SUBSEQUENT VIOLATION. THE INDIVIDUAL IS GUILTY OF
A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE
OF NOT MORE THAN \$5,000.00. OR BOTH. THE COURT SHALL ORDER THE
INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

23 ~~(a) Except as provided in subdivisions (b) and (c)~~
24 ~~the individual is responsible for a~~ ~~civil~~
25 ~~violation~~ ~~and may be fined not more than \$500.00.~~
26 ~~The court shall order the individual's license to carry a~~
27 ~~concealed pistol suspended for 6 months.~~

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

6
 7
 8 ~~(c) For a third or subsequent violation the individual is~~
 9 ~~guilty of a felony punishable by imprisonment for not more than 4~~
 10 ~~years or a fine of not more than \$5,000.00, or both. The court~~
 11 ~~shall order the individual's license to carry a concealed pistol~~
 12 ~~revoked.~~

Sec. 12a. The requirements of this act for obtaining a license to carry a concealed pistol do not apply to any of the following:

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

(b) A constable who is trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, while engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) A person regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.

(d) A member of the United States army, air force, navy, or marine corps while carrying a concealed pistol in the line of duty.

(e) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.

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

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

(h) A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from 1 place of abode or business to another place of abode or business.

(I) A PEACE OFFICER OR LAW ENFORCEMENT OFFICER FROM CANADA.

13 Enacting section 1. This amendatory act takes effect

14 July 1, 2003.