

SENATE BILL No. 375

April 13, 2005, Introduced by Senators McMANUS, PATTERSON, CROPSEY, BASHAM, BARCIA, GOSCHKA, GILBERT, BIRKHOLOZ, JELINEK, TOY, SANBORN, ALLEN, BISHOP and STAMAS and referred to the Committee on Government Operations.

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 or other authorization; 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 agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5h, 5j, 5k, 5m, 5o, 5w, 6a, and 8 (MCL 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425h, 28.425j, 28.425k, 28.425m, 28.425o, 28.425w, 28.426a, and 28.428), section 4 as added by 1992 PA 219, sections 5, 5a, 5e, 5h, 5k, 5m, and 5w as added and section

8 as amended by 2000 PA 381, section 5b as amended by 2003 PA 31, sections 5c, 5d, 5f, and 5o as amended by 2002 PA 719, section 5j as amended by 2004 PA 254, and section 6a as amended by 1991 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A person who is prohibited from possessing, using,
2 transporting, selling, purchasing, carrying, shipping, receiving,
3 or distributing a firearm under section 224f(2) of the Michigan
4 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~
5 ~~750.224f of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.224F,
6 may apply to the ~~concealed weapons licensing board in the county~~
7 ~~in which he or she resides~~ **SECRETARY OF STATE** for restoration of
8 those rights.

9 (2) Not more than 1 application may be submitted under
10 subsection (1) in any calendar year. The ~~concealed weapons~~
11 ~~licensing board~~ **SECRETARY OF STATE** may charge a fee of not more
12 than \$10.00 for the actual and necessary expenses of each
13 application.

14 (3) The ~~concealed weapons licensing board~~ **SECRETARY OF STATE**
15 shall, by written order, ~~of the board,~~ restore the rights of a
16 person to possess, use, transport, sell, purchase, carry, ship,
17 receive, or distribute a firearm if the ~~board~~ **SECRETARY OF STATE**
18 determines, by clear and convincing evidence, that all of the
19 following circumstances exist:

20 (a) The person properly submitted an application for
21 restoration of those rights as provided under this section.

22 (b) The expiration of 5 years after all of the following
23 circumstances:

1 (i) The person has paid all fines imposed for the violation
2 resulting in the prohibition.

3 (ii) The person has served all terms of imprisonment imposed
4 for the violation resulting in the prohibition.

5 (iii) The person has successfully completed all conditions of
6 probation or parole imposed for the violation resulting in the
7 prohibition.

8 (c) The person's record and reputation are such that the
9 person is not likely to act in a manner dangerous to the safety of
10 other persons.

11 (4) If the ~~concealed weapons licensing board~~ **SECRETARY OF**
12 **STATE** pursuant to subsection (3) refuses to restore a right under
13 this section, the person may petition the circuit court for review
14 of that decision.

15 Sec. 5. (1) County sheriffs, local police agencies, and county
16 clerks shall provide concealed pistol application kits during
17 normal business hours and free of charge to individuals who wish to
18 apply for licenses to carry concealed pistols. Each kit shall only
19 contain all of the following:

20 (a) A concealed pistol license application form provided by
21 the director of the department of state police.

22 (b) The fingerprint cards required under section ~~5b(11)~~ **5B**.

23 (c) Written information regarding the procedures involved in
24 obtaining a license to carry a concealed pistol, including
25 information regarding the right to appeal the denial of a license
26 and the form required for that appeal.

27 (d) Written information identifying entities that offer the

1 training required under section ~~5b(7)(e)~~ **5B**.

2 (2) A county sheriff, local police agency, or county clerk
3 shall not deny an individual the right to receive a concealed
4 pistol application kit under this section.

5 (3) An individual who is denied an application kit under this
6 section and obtains an order of mandamus directing the ~~concealed~~
7 ~~weapon licensing board~~ **SECRETARY OF STATE** to provide him or her
8 with the application kit shall be awarded his or her actual and
9 reasonable costs and attorney fees for obtaining the order.

10 (4) The department of state police shall provide the
11 application kits required under this section to county sheriffs,
12 local law enforcement agencies, and county clerks in sufficient
13 quantities to meet demand. The department of state police shall not
14 charge a fee for the kits.

15 Sec. 5a. ~~(1) Each county shall have a concealed weapon~~
16 ~~licensing board. The concealed weapon licensing board of each~~
17 ~~county shall have the following members:~~

18 ~~— (a) The county prosecuting attorney or his or her designee.~~
19 ~~However, if the county prosecuting attorney decides that he or she~~
20 ~~does not want to be a member of the concealed weapon licensing~~
21 ~~board, he or she shall notify the county board of commissioners in~~
22 ~~writing that he or she does not want to be a member of the~~
23 ~~concealed weapon licensing board for the balance of his or her term~~
24 ~~in office. The county board of commissioners shall then appoint a~~
25 ~~replacement for the prosecuting attorney who is a firearms~~
26 ~~instructor who has the qualifications prescribed in section~~
27 ~~5j(1)(e). The person who replaces the prosecuting attorney shall~~

1 ~~serve on the concealed weapon licensing board in place of the~~
2 ~~prosecuting attorney for the remaining term of the county~~
3 ~~prosecuting attorney unless removed for cause by the county board~~
4 ~~of commissioners. If a vacancy occurs on the concealed weapon~~
5 ~~licensing board of the person appointed pursuant to this section~~
6 ~~during the term of office of the county prosecuting attorney, the~~
7 ~~county board of commissioners shall appoint a replacement person~~
8 ~~who is a firearms instructor who has the qualifications prescribed~~
9 ~~in section 5j(1)(c).~~

10 ~~—— (b) The county sheriff or his or her designee.~~

11 ~~—— (c) The director of the department of state police or his or~~
12 ~~her designee.~~

13 ~~—— (2) If a prosecuting attorney chooses not to be a member of~~
14 ~~the concealed weapon licensing board, all of the following apply:~~

15 ~~—— (a) The prosecuting attorney shall be notified of all~~
16 ~~applications received by the concealed weapon licensing board.~~

17 ~~—— (b) The prosecuting attorney shall be given an opportunity to~~
18 ~~object to granting a license to carry a concealed pistol and~~
19 ~~present evidence bearing directly on an applicant's suitability to~~
20 ~~carry a concealed pistol safely.~~

21 ~~—— (c) The prosecuting attorney shall disclose to the concealed~~
22 ~~weapon licensing board any information of which he or she has~~
23 ~~actual knowledge that bears directly on an applicant's suitability~~
24 ~~to carry a concealed pistol safely.~~

25 ~~—— (3) The county prosecuting attorney or his or her designee~~
26 ~~shall serve as chairperson of the board unless the prosecuting~~
27 ~~attorney does not want to be a member of the concealed weapon~~

1 ~~licensing board, in which case the concealed weapon licensing board~~
2 ~~shall elect its chairperson. Two members of the concealed weapon~~
3 ~~licensing board constitute a quorum of the concealed weapon~~
4 ~~licensing board. The business of the concealed weapon licensing~~
5 ~~board shall be conducted by a majority vote of all of the members~~
6 ~~of the concealed weapon licensing board.~~

7 ~~—— (4) The county clerk shall serve as the clerk of the concealed~~
8 ~~weapon licensing board.~~

9 (1) ~~—(5) Except as otherwise provided in this act, the~~
10 ~~concealed weapon licensing board~~ **THE SECRETARY OF STATE** has
11 exclusive authority to issue, deny, revoke, or suspend a license to
12 carry a concealed pistol. The ~~concealed weapon licensing board~~
13 **SECRETARY OF STATE** shall perform other duties **CONCERNING CONCEALED**
14 **PISTOLS** as provided by law.

15 ~~—— (6) The concealed weapon licensing board may convene not more~~
16 ~~than 3 panels to assist the board in evaluating applicants. The~~
17 ~~panels shall be composed of representatives as prescribed in~~
18 ~~subsection (1). The panels do not have the authority to issue,~~
19 ~~deny, revoke, or suspend a license.~~

20 (2) ~~—(7) The concealed weapon licensing board~~ **SECRETARY OF**
21 **STATE** may investigate ~~the~~ **AN** applicant for a license to carry a
22 concealed pistol. The investigation shall be restricted to
23 determining only whether the applicant is eligible under this act
24 to receive a license to carry a concealed pistol, and the
25 investigation regarding the issuance of a license shall end after
26 that determination is made. The ~~concealed weapon licensing board~~
27 **SECRETARY OF STATE** may require the applicant to appear before the

1 ~~board~~ **SECRETARY OF STATE** at a mutually agreed-upon time for a
2 conference. The applicant's failure or refusal to appear without
3 valid reason before the ~~concealed weapon licensing board as~~
4 ~~provided in this subsection~~ **SECRETARY OF STATE** is grounds for the
5 ~~board~~ **SECRETARY OF STATE** to deny issuance of a license to carry a
6 concealed pistol to that applicant.

7 (3) ~~—(8)—~~ If the ~~concealed weapon licensing board~~ **SECRETARY**
8 **OF STATE** determines there is probable cause to believe the safety
9 of the applicant or the safety of a member of the applicant's
10 family is endangered by the applicant's inability to immediately
11 obtain a license to carry a concealed pistol, the ~~concealed weapon~~
12 ~~licensing board~~ **SECRETARY OF STATE** may, pending issuance of a
13 license, issue a temporary license to the individual to carry a
14 concealed pistol. A temporary license shall be on a form provided
15 by the department of state police. A temporary license shall be
16 unrestricted and shall be valid for not more than 180 days. A
17 temporary license may be renewed for 1 additional period of not
18 more than 180 days. A temporary license is, for all other purposes
19 of this act, a license to carry a concealed pistol.

20 ~~———(9) The legislative service bureau shall compile the firearms~~
21 ~~laws of this state, including laws that apply to carrying a~~
22 ~~concealed pistol, and shall provide copies of the compilation to~~
23 ~~each concealed weapon licensing board in this state for~~
24 ~~distribution under this subsection. A concealed weapon licensing~~
25 ~~board shall distribute a copy of the compilation to each individual~~
26 ~~who applies for a license to carry a concealed pistol at the time~~
27 ~~the application is submitted. The concealed weapon licensing board~~

1 ~~shall require the applicant to sign a written statement~~
2 ~~acknowledging that he or she has received a copy of the~~
3 ~~compilation. An individual is not eligible to receive a license to~~
4 ~~carry a concealed pistol until he or she has signed the statement.~~

5 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
6 an individual shall apply to the ~~concealed weapon licensing board~~
7 ~~in the county in which that individual resides~~ **SECRETARY OF STATE**.
8 The application shall be filed ~~with the county clerk~~ during ~~the~~
9 ~~county clerk's~~ normal business hours. The application shall be on
10 a form provided by the ~~director of the department of state police~~
11 **SECRETARY OF STATE** and shall allow the applicant to ~~designate~~
12 ~~whether~~ **INDICATE THAT** the applicant seeks a temporary license. The
13 application shall be signed under oath by the applicant. The oath
14 shall be administered by the ~~county clerk~~ **SECRETARY OF STATE** or
15 his or her representative. The application shall contain all of the
16 following: ~~information~~.

17 (a) The applicant's legal name and date of birth and the
18 address of his or her primary residence. If the applicant resides
19 in a city, village, or township that has a police department, the
20 name of the police department.

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

23 (c) A statement by the applicant authorizing the ~~concealed~~
24 ~~weapon licensing board~~ **SECRETARY OF STATE** to access any record,
25 including any medical record, pertaining to the applicant's
26 qualifications for a license to carry a concealed pistol under this
27 act. The applicant may request that information received by the

1 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** under this
2 subdivision be reviewed in a closed session. If the applicant
3 requests that the session be closed, the ~~concealed weapon~~
4 ~~licensing board~~ **SECRETARY OF STATE** shall close the session only
5 for purposes of this subdivision. The applicant and his or her
6 representative have the right to be present in the closed session.
7 Medical records and personal identifying information received by
8 the ~~concealed weapon licensing board~~ **SECRETARY OF STATE** under
9 this subdivision is confidential, is not subject to disclosure
10 under the freedom of information act, 1976 PA 442, MCL 15.231 to
11 15.246, and shall not be disclosed to any person except for
12 purposes of this act or for law enforcement purposes or if the
13 applicant is convicted of a felony involving a pistol.

14 (d) A statement by the applicant regarding whether he or she
15 has a history of mental illness that would disqualify him or her
16 under subsection (7)(j) to (l) from receiving a license to carry a
17 concealed pistol, and authorizing the ~~concealed weapon licensing~~
18 ~~board~~ **SECRETARY OF STATE** to access the mental health records of
19 the applicant relating to his or her mental health history. The
20 applicant may request that information received by the ~~concealed~~
21 ~~weapon licensing board~~ **SECRETARY OF STATE** under this subdivision
22 be reviewed in a closed session. If the applicant requests that the
23 session be closed, the ~~concealed weapon licensing board~~ **SECRETARY**
24 **OF STATE** shall close the session only for purposes of this
25 subdivision. The applicant and his or her representative have the
26 right to be present in the closed session. Medical records and
27 personal identifying information received by the ~~concealed weapon~~

1 ~~licensing board~~ **SECRETARY OF STATE** under this subdivision is
2 confidential, is not subject to disclosure under the freedom of
3 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
4 be disclosed to any person except for purposes of this act or for
5 law enforcement purposes.

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

9 (f) A statement by the applicant whether he or she has been
10 dishonorably discharged from the United States armed forces.

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

13 (h) The names, residential addresses, and telephone numbers of
14 2 individuals who are references for the applicant.

15 (i) A passport-quality photograph of the applicant provided by
16 the applicant at the time of application.

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

19 (2) The application form shall contain a conspicuous warning
20 that the application is executed under oath and that intentionally
21 making a material false statement on the application is a felony
22 punishable by imprisonment for not more than 4 years or a fine of
23 not more than \$2,500.00, or both.

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

1 (4) The ~~concealed weapon licensing board~~ **SECRETARY OF STATE**
2 shall retain a copy of each application for a license to carry a
3 concealed pistol as an official record. One year after the
4 expiration of a concealed pistol license, the ~~county clerk~~
5 **SECRETARY OF STATE** may destroy the record and maintain only a name
6 index of the record.

7 (5) Each applicant shall pay a fee of \$105.00 by any method of
8 payment accepted by ~~that county~~ **THE SECRETARY OF STATE** for
9 payments of other fees and penalties. Except for a local police
10 agency as provided in subsection (9), a unit of local government,
11 an agency of a unit of local government, or an agency or department
12 of this state shall not charge an additional fee, assessment, or
13 other amount in connection with a license under this section. ~~The~~
14 ~~fee shall be payable to the county. The county treasurer shall~~
15 ~~deposit \$41.00 of each fee collected under this section in the~~
16 ~~general fund of the county and credit \$26.00 of that deposit to the~~
17 ~~credit of the county clerk and \$15.00 of that deposit to the credit~~
18 ~~of the county sheriff and forward the balance to the state~~
19 ~~treasurer.~~ **THE MONEY COLLECTED UNDER THIS SECTION SHALL BE**
20 **DEPOSITED IN THE STATE TREASURY.** The state treasurer shall deposit
21 the ~~balance of the~~ fee in the general fund to the credit of the
22 department of state police. The department of state police shall
23 use the money received under this act to process the fingerprints
24 and to reimburse the federal bureau of investigation for the costs
25 associated with processing fingerprints submitted under this act.
26 The balance of the money received under this act shall be credited
27 to the department of state police.

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

14 (7) The ~~concealed weapon licensing board~~ **SECRETARY OF STATE**
15 shall issue a license to an applicant to carry a concealed pistol
16 within the period required under this act after the applicant
17 properly submits an application under subsection (1) and the
18 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** determines
19 that all of the following circumstances exist:

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

21 (b) The applicant is a citizen of the United States or is a
22 resident legal alien, ~~as defined in section 11 of title 18 of the~~
23 ~~United States Code,~~ is a resident of this state, and has resided
24 in this state for at least 6 months. The ~~concealed weapon~~
25 ~~licensing board~~ **SECRETARY OF STATE** may waive the 6-month residency
26 requirement for a temporary license under section ~~5a(8)~~ **5A(3)** if
27 the ~~concealed weapon licensing board~~ **SECRETARY OF STATE**

1 determines there is probable cause to believe the safety of the
2 applicant or the safety of a member of the applicant's family is
3 endangered by the applicant's inability to immediately obtain a
4 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 a
7 pistol safety training course or class that meets the requirements
8 of section 5j, and that is available to the general public and
9 presented by a law enforcement agency, junior or community college,
10 college, or public or private institution or organization or
11 firearms training school.

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

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

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

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

20 (iv) Section 6b of chapter V of the code of criminal procedure,
21 1927 PA 175, MCL 765.6b, if the order has a condition imposed
22 pursuant to section 6b(3) of chapter V of the code of criminal
23 procedure, 1927 PA 175, MCL 765.6b.

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

26 (e) The applicant is not prohibited from possessing, using,
27 transporting, selling, purchasing, carrying, shipping, receiving,

1 or distributing a firearm under section 224f of the Michigan penal
2 code, 1931 PA 328, MCL 750.224f.

3 (f) The applicant has never been convicted of a felony in this
4 state or elsewhere, and a felony charge against the applicant is
5 not pending in this state or elsewhere at the time he or she
6 applies for a license described in this section.

7 (g) The applicant has not been dishonorably discharged from
8 the United States armed forces.

9 (h) The applicant has not been convicted of a misdemeanor
10 violation of any of the following in the 8 years immediately
11 preceding the date of application:

12 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL
13 257.617a (failing to stop when involved in a personal injury
14 accident).

15 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
16 257.625, punishable as provided in ~~subsection (8)(b) of that~~
17 **section 625(9)(B) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
18 **257.625** (drunk driving, second offense).

19 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
20 MCL 257.625m, punishable under ~~subsection (4) of that~~ section
21 **625M(4) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625M**
22 (drunk driving, commercial vehicle).

23 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL
24 257.626 (reckless driving).

25 (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,
26 MCL 257.904 (driving while license suspended or revoked),
27 punishable as a second or subsequent offense.

1 (vi) Section 185 of the aeronautics code of the state of
2 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft with alcohol
3 with prior conviction).

4 (vii) Section 29 of the weights and measures act, 1964 PA 283,
5 MCL 290.629 (**ASSAULTING**, hindering, or obstructing weights and
6 measures enforcement officer).

7 (viii) Section 10 of the motor fuels quality act, 1984 PA 44,
8 MCL 290.650 (hindering, obstructing, assaulting, or committing
9 bodily injury upon director or authorized representative).

10 (ix) Section 81134 of the natural resources and environmental
11 protection act, 1994 PA 451, MCL 324.81134, punishable under
12 ~~subsection (5) or (6) of that~~ section **81134 (5) OR (6) OF THE**
13 **NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,**
14 **MCL 324.81134** (operating ORV under the influence, second or
15 subsequent offense).

16 (x) Section 82127 of the natural resources and environmental
17 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile
18 under the influence with prior conviction), punishable under
19 section 82128(1)(b) or (c) of the natural resources and
20 environmental protection act, 1994 PA 451, MCL 324.82128.

21 (xi) Section 80176 of the natural resources and environmental
22 protection act, 1994 PA 451, MCL 324.80176, ~~and~~ punishable under
23 section 80177(1)(b) **OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
24 **PROTECTION ACT, 1994 PA 451, MCL 324.80177** (operating vessel under
25 the influence, second or subsequent offense).

26 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
27 333.7403.

1 (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,
2 MCL 462.353 (operating locomotive under the influence), punishable
3 under ~~subsection (4) of that~~ section **353(4) OF THE RAILROAD CODE**
4 **OF 1993, 1993 PA 354, MCL 462.353.**

5 (xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually
6 explicit materials to minors).

7 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
8 750.81 (assault or domestic assault).

9 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA
10 328, MCL 750.81a (aggravated assault or aggravated domestic
11 assault).

12 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
13 750.115 (entering without breaking).

14 (xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328,
15 MCL 750.136b (fourth degree child abuse).

16 (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL
17 750.145a (accosting, enticing, or soliciting a child for immoral
18 purposes).

19 (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL
20 750.145n (vulnerable adult abuse).

21 (xxi) Section 157b(3)(b) of the Michigan penal code, 1931 PA
22 328, MCL 750.157b (solicitation to commit a felony).

23 (xxii) Section ~~215~~ **215(2)** of the Michigan penal code, 1931 PA
24 328, MCL 750.215 (impersonating sheriff, conservation officer,
25 coroner, constable, or police officer).

26 (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL
27 750.223 (illegal sale of a firearm or ammunition).

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

3 (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL
4 750.226a (sale or possession of a switchblade).

5 (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,
6 MCL 750.227c (improper transportation of a firearm).

7 (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL
8 750.228 (failure to have a pistol inspected).

9 (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,
10 MCL 750.229 (accepting a pistol in pawn).

11 (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL
12 750.232 (failure to register the purchase of a firearm or a firearm
13 component).

14 (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL
15 750.232a (improperly obtaining a pistol, making a false statement
16 on an application to purchase a pistol, or using false
17 identification to purchase a pistol).

18 (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL
19 750.233 (intentionally aiming a firearm without malice).

20 (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL
21 750.234 (intentionally discharging a firearm aimed without malice).

22 (xxxiii) Section 234d of the Michigan penal code, 1931 PA 328,
23 MCL 750.234d (possessing a firearm on prohibited premises).

24 (xxxiv) Section 234e of the Michigan penal code, 1931 PA 328,
25 MCL 750.234e (brandishing a firearm in public).

26 (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,
27 MCL 750.234f (possession of a firearm by an individual less than 18

1 years of age).

2 (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL
3 750.235 (intentionally discharging a firearm aimed without malice
4 causing injury).

5 (xxxvii) Section 235a of the Michigan penal code, 1931 PA 328,
6 MCL 750.235a (parent of a minor who possessed a firearm in a weapon
7 free school zone).

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

10 (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL
11 750.237 (possessing a firearm while under the influence of
12 intoxicating liquor or a drug).

13 (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL
14 750.237a (weapon free school zone violation).

15 (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL
16 750.335a (indecent exposure).

17 (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL
18 750.411h (stalking).

19 (xliii) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless,
20 or negligent use of a firearm resulting in injury or death).

21 (xliv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless,
22 or negligent use of a firearm resulting in property damage).

23 (xlv) Section 3a of 1952 PA 45, MCL 752.863a (reckless
24 discharge of a firearm).

25 (xlvi) A violation of a law of the United States, another state,
26 or a local unit of government of this state or another state
27 substantially corresponding to a violation described in

1 subparagraphs (i) to (xlv).

2 (i) The applicant has not been convicted of a misdemeanor
3 violation of any of the following in the 3 years immediately
4 preceding the date of application unless the misdemeanor violation
5 is listed under subdivision (h):

6 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
7 257.625 (operating under the influence).

8 (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.625a (refusal of commercial vehicle driver to submit to a
10 chemical test).

11 (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,
12 MCL 257.625k ~~—(negligently fails to comply)—~~ **(FAILING TO COMPLY**
13 **WITH IGNITION INTERLOCK DEVICE MANUFACTURING REQUIREMENT)**.

14 (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,
15 MCL 257.625l (circumventing an ignition interlocking device).

16 (v) Section 625m of the Michigan vehicle code, 1949 PA 300,
17 MCL 257.625m, punishable under ~~subsection (3) of that~~ section
18 **625M(3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625M**
19 (operating a commercial vehicle with alcohol content).

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

23 (vii) Section 81134 of the natural resources and environmental
24 protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the
25 influence).

26 (viii) Section 81135 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.81135 (operating ORV ~~having~~

1 ~~consumed controlled substance~~ **WHILE VISIBLY IMPAIRED**).

2 (ix) Section 82127 of the natural resources and environmental
3 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile
4 under the influence **OR WHILE VISIBLY IMPAIRED**).

5 (x) Part 74 of the public health code, 1978 PA 368, MCL
6 333.7401 to 333.7461 (controlled substances).

7 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
8 462.353 (operating locomotive under the influence), punishable
9 under ~~subsection (3) of that~~ **section 353(3) OF THE RAILROAD CODE**
10 **OF 1993, 1993 PA 354, MCL 462.353**.

11 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
12 750.167 (disorderly person).

13 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
14 750.174 (embezzlement).

15 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
16 750.218 (false pretenses).

17 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
18 750.356 (larceny).

19 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
20 750.356d (retail fraud).

21 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
22 750.359 (larceny-vacant building).

23 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
24 750.362 (larceny by conversion).

25 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
26 750.362a (defrauding lessor).

27 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL

1 750.377a (malicious destruction of property).

2 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
3 750.380 (malicious destruction of real property).

4 (xxii) Section 479a of the Michigan penal code, 1931 PA 328, MCL
5 750.479a (failure to obey police direction).

6 (xxiii) Section 535 of the Michigan penal code, 1931 PA 328, MCL
7 750.535 (receiving stolen property).

8 (xxiv) Section 540e of the Michigan penal code, 1931 PA 328,
9 MCL 750.540e (malicious use of ~~telephones~~ **TELECOMMUNICATIONS**
10 **SERVICE**).

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

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

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

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

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

26 (n) Issuing a license to the applicant to carry a concealed
27 pistol in this state is not detrimental to the safety of the

1 applicant or to any other individual. A determination under this
2 subdivision shall be based on clear and convincing evidence of
3 repeated violations of this act, crimes, personal protection orders
4 or injunctions, or police reports or other clear and convincing
5 evidence of the actions of, or statements of, the applicant that
6 bear directly on the applicant's ability to carry a concealed
7 pistol.

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

20 (9) An individual, after submitting an application and paying
21 the fee prescribed under subsection (5), shall request and have
22 classifiable fingerprints taken by the county sheriff or a local
23 police agency if that local police agency maintains fingerprinting
24 capability. If the individual requests that classifiable
25 fingerprints be taken by a local police agency, the individual
26 shall also pay to that local police agency a fee of \$15.00 by any
27 method of payment accepted by the unit of local government for

1 payments of other fees and penalties. The county sheriff or local
2 police agency shall take the fingerprints within 5 business days
3 after the request.

4 (10) The fingerprints shall be taken, under subsection (9), on
5 forms and in a manner prescribed by the department of state police.
6 The fingerprints shall be immediately forwarded to the department
7 of state police for comparison with fingerprints already on file
8 with the department of state police. The department of state police
9 shall forward the fingerprints to the federal bureau of
10 investigation. Within 10 days after receiving a report of the
11 fingerprints from the federal bureau of investigation, the
12 department of state police shall provide a copy to the submitting
13 sheriff's department or local police agency as appropriate and the
14 ~~clerk of the appropriate concealed weapon licensing board~~
15 **SECRETARY OF STATE**. Except as provided in subsection (14), the
16 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** shall not
17 issue a concealed pistol license until it receives the fingerprint
18 comparison report prescribed in this subsection. The ~~concealed~~
19 ~~weapon licensing board~~ **SECRETARY OF STATE** may deny a license if an
20 individual's fingerprints are not classifiable by the federal
21 bureau of investigation.

22 (11) The ~~concealed weapon licensing board~~ **SECRETARY OF STATE**
23 shall deny a license to an applicant to carry a concealed pistol if
24 the applicant is not qualified under subsection (7) to receive that
25 license.

26 (12) A license to carry a concealed pistol that is issued
27 based upon an application that contains a material false statement

1 is void from the date the license is issued.

2 (13) Subject to subsections (10) and (14), the ~~concealed~~
3 ~~weapon licensing board~~ **SECRETARY OF STATE** shall issue or deny
4 issuance of a license within 45 days after the ~~concealed weapon~~
5 ~~licensing board~~ **SECRETARY OF STATE** receives the fingerprint
6 comparison report provided under subsection (10). If the ~~concealed~~
7 ~~weapon licensing board~~ **SECRETARY OF STATE** denies issuance of a
8 license to carry a concealed pistol, the ~~concealed weapon~~
9 ~~licensing board~~ **SECRETARY OF STATE** shall within 5 business days do
10 both of the following:

11 (a) Inform the applicant in writing of the reasons for the
12 denial. Information under this subdivision shall include all of the
13 following:

14 (i) A statement of the specific and articulable facts
15 supporting the denial.

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

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

20 (14) If the fingerprint comparison report is not received by
21 the ~~concealed weapon licensing board~~ **SECRETARY OF STATE** within 60
22 days after the fingerprint report is forwarded to the department of
23 state police by the federal bureau of investigation, the ~~concealed~~
24 ~~weapon licensing board~~ **SECRETARY OF STATE** shall issue a temporary
25 license to carry a concealed pistol to the applicant if the
26 applicant is otherwise qualified for a license. A temporary license
27 issued under this section is valid for 180 days or until the

1 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** receives the
2 fingerprint comparison report provided under subsection (10) and
3 issues or denies issuance of a license to carry a concealed pistol
4 as otherwise provided under this act. Upon issuance or the denial
5 of issuance of the license to carry a concealed pistol to an
6 applicant who received a temporary license under this section, the
7 applicant shall immediately surrender the temporary license to the
8 ~~concealed weapon licensing board that issued that temporary license~~
9 **SECRETARY OF STATE**.

10 (15) If an individual licensed under this act to carry a
11 concealed pistol moves to a different county within this state, his
12 or her license remains valid until it expires or is otherwise
13 suspended or revoked under this act. A license to carry a concealed
14 pistol that is lost, stolen, or defaced may be replaced by the
15 ~~issuing county clerk~~ **SECRETARY OF STATE** for a replacement fee of
16 \$10.00.

17 (16) If ~~a concealed weapons licensing board~~ **THE SECRETARY OF**
18 **STATE** suspends or revokes a license issued under this act, the
19 license is forfeited and shall be **IMMEDIATELY** returned to the
20 ~~concealed weapons licensing board forthwith~~ **SECRETARY OF STATE**.

21 (17) As used in this section:

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

1 (b) "Felony" means that term as defined in section 1 of
2 chapter I of the code of criminal procedure, 1927 PA 175, MCL
3 761.1, or a violation of a law of the United States or another
4 state that is designated as a felony or that is punishable by death
5 or by imprisonment for more than 1 year.

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

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

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

19 Sec. 5c. (1) A license to carry a concealed pistol shall be in
20 a form, with the same dimensions as a Michigan operator license,
21 prescribed by the department of state police. The license shall
22 contain all of the following:

23 (a) The licensee's full name and date of birth.

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

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

26 (d) An indication of exceptions authorized by this act
27 applicable to the licensee.

1 (e) An indication whether the license is a duplicate.

2 (2) Subject to section 5o and except as otherwise provided by
3 law, a license to carry a concealed pistol issued by the ~~county~~
4 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** authorizes the
5 licensee to do all of the following:

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

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

10 Sec. 5d. (1) If the ~~concealed weapon licensing board~~
11 **SECRETARY OF STATE** denies issuance of a license to carry a
12 concealed pistol, or fails to issue that license as provided in
13 this act, the applicant may appeal the denial or the failure to
14 issue the license to the circuit court in the judicial circuit in
15 which he or she resides. The appeal of the denial or failure to
16 issue a license shall be determined by a review of the record for
17 error, except that if the decision of the ~~concealed weapon~~
18 ~~licensing board~~ **SECRETARY OF STATE** was based upon grounds
19 specified in section 5b(7)(n) that portion of the appeal shall be
20 by hearing de novo. Witnesses in the hearing shall be sworn. A jury
21 shall not be provided in a hearing under this section.

22 (2) If the court determines that the denial or failure to
23 issue a license was clearly erroneous, the court shall order the
24 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** to issue a
25 license as required by this act.

26 (3) If the court determines that the decision of the
27 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** to deny

1 issuance of a license to an applicant was arbitrary and capricious,
2 the court shall order this state to pay ~~1/3~~ and the county in
3 ~~which the concealed weapon licensing board is located~~ to pay ~~2/3~~ of
4 the actual costs and actual attorney fees of the applicant in
5 appealing the denial.

6 (4) If the court determines that an applicant's appeal was
7 frivolous, the court shall order the applicant to pay the actual
8 costs and actual attorney fees of the ~~concealed weapon licensing~~
9 ~~board~~ **SECRETARY OF STATE** in responding to the appeal.

10 Sec. 5e. (1) The ~~department of state police~~ **SECRETARY OF**
11 **STATE** shall create and maintain a computerized database of
12 individuals who apply under this act for a license to carry a
13 concealed pistol. The database shall contain only the following
14 information as to each individual:

15 (a) The individual's name, date of birth, address, and county
16 of residence.

17 (b) If the individual is licensed to carry a concealed pistol
18 in this state, the license number and date of expiration.

19 (c) Except as provided in subsection (2), if the individual
20 was denied a license to carry a concealed pistol after ~~the~~
21 ~~effective date of the amendatory act that added this subdivision~~
22 **JULY 1, 2001**, a statement of the reasons for that denial.

23 (d) A statement of all criminal charges pending and criminal
24 convictions obtained against the individual during the license
25 period.

26 (e) A statement of all determinations of responsibility for
27 civil infractions of this act pending or obtained against the

1 individual during the license period.

2 (2) If an individual who was denied a license to carry a
3 concealed pistol after ~~the effective date of the amendatory act~~
4 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a
5 license to carry a concealed pistol, the department of state police
6 shall delete from the computerized database the ~~previous~~ reasons
7 for the **PREVIOUS** denial.

8 (3) The department of state police shall enter the information
9 described in subsection (1)(a) and (b) into the law enforcement
10 information network.

11 (4) Information in the database, compiled under subsections
12 (1) through (3), is confidential, is not subject to disclosure
13 under the freedom of information act, 1976 PA 442, MCL 15.231 to
14 15.246, and shall not be disclosed to any person except for
15 purposes of this act or for law enforcement purposes. The
16 information compiled under subsection (5) is subject to disclosure
17 under the freedom of information act, 1976 PA 442, MCL 15.231 to
18 15.246.

19 (5) The ~~department of state police~~ **SECRETARY OF STATE** shall
20 file an annual report with the secretary of the senate and the
21 clerk of the house of representatives setting forth all of the
22 following information for each county: ~~concealed weapon licensing~~
23 ~~board.~~

24 (a) The number of concealed pistol applications received.

25 (b) The number of concealed pistol licenses issued.

26 (c) The number of concealed pistol licenses denied.

27 (d) Categories for denial under subdivision (c).

1 (e) The number of concealed pistol licenses revoked.

2 (f) Categories for revocation under subdivision (e).

3 (g) The number of applications pending at the time the report
4 is made.

5 (h) The mean and median amount of time and the longest and
6 shortest amount of time used by the federal bureau of investigation
7 to supply the fingerprint comparison report required in section
8 ~~5b(11)~~ **5B(10)**. The ~~department~~ **SECRETARY OF STATE** may use a
9 statistically significant sample to comply with this subdivision.

10 (i) The number of charges of state civil infractions of this
11 act or charges of criminal violations, categorized by offense,
12 filed against individuals licensed to carry a concealed pistol that
13 resulted in a finding of responsibility or a criminal conviction.
14 The report shall indicate the number of crimes in each category of
15 criminal offense that involved the brandishing or use of a pistol,
16 the number that involved the carrying of a pistol by the license
17 holder during the commission of the crime, and the number in which
18 no pistol was carried by the license holder during the commission
19 of the crime.

20 (j) The number of pending criminal charges, categorized by
21 offense, against individuals licensed to carry a concealed pistol.

22 (k) The number of criminal cases dismissed, categorized by
23 offense, against individuals licensed to carry a concealed pistol.

24 (l) The number of cases filed against individuals licensed to
25 carry a concealed pistol for criminal violations that resulted in a
26 finding of not responsible or not guilty, categorized by offense.

27 (m) For the purposes of subdivisions (i), (j), (k), and (l),

1 the ~~department of state police~~ **SECRETARY OF STATE** shall use the
2 data provided under section 5m.

3 (n) The number of suicides by individuals licensed to carry a
4 concealed pistol.

5 ~~—— (o) Actual costs incurred per permit for each county.~~

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

10 (2) An individual who is licensed under this act to carry a
11 concealed pistol and who is carrying a concealed pistol shall show
12 both of the following to a peace officer upon request by that peace
13 officer:

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

15 (b) His or her driver license or Michigan personal
16 identification card.

17 (3) An individual licensed under this act to carry a concealed
18 pistol and who is carrying a concealed pistol and who is stopped by
19 a peace officer shall immediately disclose to the peace officer
20 that he or she is carrying a pistol concealed upon his or her
21 person or in his or her vehicle.

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

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

27 (a) For a first offense, by a fine of not more than \$500.00 or

1 by the individual's license to carry a concealed pistol being
2 suspended for 6 months, or both.

3 (b) For a subsequent offense within 3 years of a prior
4 offense, by a fine of not more than \$1,000.00 and by the
5 individual's license to carry a concealed pistol being revoked.

6 (6) If an individual is found responsible for a state civil
7 infraction under this section, the court shall notify the
8 department of state police and the ~~concealed weapon licensing~~
9 ~~board that issued the license~~ **SECRETARY OF STATE** of that
10 determination.

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

26 (a) The individual has his or her driver license or Michigan
27 personal identification card in his or her possession when the

1 violation occurs.

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

5 Sec. 5h. (1) An individual who is licensed to carry a
6 concealed pistol on ~~the effective date of the amendatory act that~~
7 ~~added this section~~ **JANUARY 1, 2005** may carry a concealed pistol
8 under that license until the license expires or the individual's
9 authority to carry a concealed pistol under that license is
10 otherwise terminated, whichever occurs first.

11 (2) An individual who is licensed under this act to carry a
12 concealed pistol on ~~the effective date of the amendatory act that~~
13 ~~added this section~~ **JANUARY 1, 2005** may apply for a renewal license
14 upon the expiration of that license as provided in section 5l.

15 Sec. 5j. (1) A pistol training or safety program described in
16 section 5b(7)(c) meets the requirements for knowledge or training
17 in the safe use and handling of a pistol only if the program
18 consists of not less than 8 hours of instruction and all of the
19 following conditions are met:

20 (a) The program is certified by this state or a national or
21 state firearms training organization and provides 5 hours of
22 instruction in, but is not limited to providing instruction in, all
23 of the following:

24 (i) The safe storage, use, and handling of a pistol including,
25 but not limited to, safe storage, use, and handling to protect
26 child safety.

27 (ii) Ammunition knowledge, and the fundamentals of pistol

1 shooting.

2 (iii) Pistol shooting positions.

3 (iv) Firearms and the law, including civil liability issues and
4 the use of deadly force. This portion shall be taught by an
5 attorney or an individual trained in the use of deadly force.

6 (v) Avoiding criminal attack and controlling a violent
7 confrontation.

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

10 (b) The program provides at least 3 hours of instruction on a
11 firing range and requires firing at least 30 rounds of ammunition.

12 (c) The program provides a certificate of completion that
13 states the program complies with the requirements of this section
14 and that the individual successfully completed the course, and that
15 contains the printed name and signature of the course instructor.
16 Not later than October 1, 2004, the certificate of completion shall
17 contain the statement, "This course complies with section 5j of
18 1927 PA 372."

19 (d) The instructor of the course is certified by this state or
20 a national organization to teach the 8-hour pistol safety training
21 course described in this section.

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

23 (a) Grant a certificate of completion described under
24 subsection (1)(c) to an individual knowing the individual did not
25 satisfactorily complete the course.

26 (b) Present a certificate of completion described under
27 subsection (1)(c) to ~~a concealed weapon licensing board~~ **THE**

1 **SECRETARY OF STATE** knowing that the individual did not
2 satisfactorily complete the course.

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

6 (4) A concealed weapons licensing board shall not require that
7 a specific form, color, wording, or other content appear on a
8 certificate of completion, except as provided in subsection (5),
9 and shall accept as valid a certificate of completion issued prior
10 to the effective date of the amendatory act that added this
11 subsection that contains an inaccurate reference or no reference to
12 this section but otherwise complies with this section.

13 (5) Beginning October 1, 2004, ~~a concealed weapons licensing~~
14 ~~board~~ **THE SECRETARY OF STATE** shall require that a certificate of
15 completion contain the statement, "This course complies with
16 section 5j of 1927 PA 372."

17 Sec. 5k. (1) Acceptance of a license issued under this act to
18 carry a concealed pistol constitutes implied consent to submit to a
19 chemical analysis under this section. This section also applies to
20 individuals listed in section ~~12a(a) to (f)~~ **12A(A), (B), (C),**
21 **(D), (E), (F), AND (I).**

22 (2) An individual shall not carry a concealed pistol while he
23 or she is under the influence of alcoholic liquor or a controlled
24 substance or while having a bodily alcohol content prohibited under
25 this section. A person who violates this section is responsible for
26 a state civil infraction or guilty of a crime as follows:

27 (a) If the person was under the influence of alcoholic liquor

1 or a controlled substance or a combination of alcoholic liquor and
2 a controlled substance, or had a bodily alcohol content of .10 or
3 more grams per 100 milliliters of blood, per 210 liters of breath,
4 or per 67 milliliters of urine, the individual is guilty of a
5 misdemeanor punishable by imprisonment for not more than 93 days or
6 \$100.00, or both. The court shall order the ~~concealed weapon~~
7 ~~licensing board that issued the individual a license to carry a~~
8 ~~concealed pistol~~ **SECRETARY OF STATE** to permanently revoke the
9 license. The ~~concealed weapon licensing board~~ **SECRETARY OF STATE**
10 shall permanently revoke the license as ordered by the court.

11 (b) If the person had a bodily alcohol content of .08 or more
12 but less than .10 grams per 100 milliliters of blood, per 210
13 liters of breath, or per 67 milliliters of urine, the individual is
14 guilty of a misdemeanor punishable by imprisonment for not more
15 than 93 days or \$100.00, or both. The court may order the
16 ~~concealed weapon licensing board that issued the individual a~~
17 ~~license to carry a concealed pistol~~ **SECRETARY OF STATE** to revoke
18 the license for not more than 3 years. The ~~concealed weapon~~
19 ~~licensing board~~ **SECRETARY OF STATE** shall revoke the license as
20 ordered by the court.

21 (c) If the person had a bodily alcohol content of .02 or more
22 but less than .08 grams per 100 milliliters of blood, per 210
23 liters of breath, or per 67 milliliters of urine, the individual is
24 responsible for a state civil infraction and may be fined not more
25 than \$100.00. The court may order the ~~concealed weapon licensing~~
26 ~~board that issued the individual the license~~ **SECRETARY OF STATE** to
27 revoke the license for 1 year. The ~~concealed weapon licensing~~

1 ~~board~~ **SECRETARY OF STATE** shall revoke the license as ordered by
2 the court. The court shall notify the ~~concealed weapon licensing~~
3 ~~board that issued the individual a license to carry a concealed~~
4 ~~pistol~~ **SECRETARY OF STATE** if an individual is found responsible
5 for a subsequent violation of this subdivision.

6 (3) This section does not prohibit an individual licensed
7 under this act to carry a concealed pistol who has any bodily
8 alcohol content from transporting that pistol in the locked trunk
9 of his or her motor vehicle or another motor vehicle in which he or
10 she is a passenger or, if the vehicle does not have a trunk, from
11 transporting that pistol unloaded in a locked compartment or
12 container that is separated from the ammunition for that pistol or
13 on a vessel if the pistol is transported unloaded in a locked
14 compartment or container that is separated from the ammunition for
15 that pistol.

16 (4) A peace officer who has probable cause to believe an
17 individual is carrying a concealed pistol in violation of this
18 section may require the individual to submit to a chemical analysis
19 of his or her breath, blood, or urine.

20 (5) Before an individual is required to submit to a chemical
21 analysis under subsection (4), the peace officer shall inform the
22 individual of all of the following:

23 (a) The individual may refuse to submit to the chemical
24 analysis, but if he or she chooses to do so, all of the following
25 apply:

26 (i) The officer may obtain a court order requiring the
27 individual to submit to a chemical analysis.

1 (ii) The refusal may result in his or her license to carry a
2 concealed pistol being suspended or revoked.

3 (b) If the individual submits to the chemical analysis, he or
4 she may obtain a chemical analysis described in subsection (4) from
5 a person of his or her own choosing.

6 (6) The collection and testing of breath, blood, and urine
7 specimens under this section shall be conducted in the same manner
8 that breath, blood, and urine specimens are collected and tested
9 for alcohol- and controlled-substance-related driving violations
10 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

11 (7) If a person refuses to take a chemical test authorized
12 under this section, the peace officer shall promptly report the
13 refusal in writing to the ~~concealed weapon licensing board that~~
14 ~~issued the license to the individual to carry a concealed pistol~~

15 **SECRETARY OF STATE.**

16 (8) If a person takes a chemical test authorized under this
17 section and the test results indicate that the individual had any
18 bodily alcohol content while carrying a concealed pistol, the peace
19 officer shall promptly report the violation in writing to the
20 ~~concealed weapon licensing board that issued the license to the~~
21 ~~individual to carry a concealed pistol~~ **SECRETARY OF STATE.**

22 (9) As used in this section:

23 (a) "Alcoholic liquor" means that term as defined in section
24 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
25 436.1105.

26 (b) "Controlled substance" means that term as defined in
27 section 7104 of the public health code, 1978 PA 368, MCL 333.7401.

1 Sec. 5m. A prosecuting attorney shall promptly notify the
2 ~~county concealed weapon licensing board that issued the license~~
3 **SECRETARY OF STATE** of a criminal charge against a license holder
4 for a felony or specified criminal offense as defined in this act.
5 The prosecuting attorney shall promptly notify the ~~county~~
6 ~~concealed weapon licensing board that issued the license~~ **SECRETARY**
7 **OF STATE** of the disposition of the criminal charge. If a license
8 holder is convicted of a crime, the prosecuting attorney's
9 notification shall indicate if the crime involved the brandishing
10 or use of a pistol, if a pistol was carried by the license holder
11 during the commission of the crime, or if ~~no~~ **A** pistol was **NOT**
12 carried by the license holder during the commission of the crime.
13 The ~~state police~~ **SECRETARY OF STATE** shall provide a form for
14 reporting purposes. ~~Each year by a date determined by the director~~
15 ~~of the department of state police, the chairperson of the county~~
16 ~~concealed weapon licensing board shall compile and provide a report~~
17 ~~to the department of state police in a format determined by the~~
18 ~~director of the department of state police containing the~~
19 ~~information provided to the concealed weapon licensing board under~~
20 ~~this section, section 5f(6), or section 5k(7) or (8).~~

21 Sec. 5o. (1) Subject to subsection (4), an individual licensed
22 under this act to carry a concealed pistol, or who is exempt from
23 licensure under section 12a(f), shall not carry a concealed pistol
24 on the premises of any of the following:

25 (a) A school or school property except that a parent or legal
26 guardian of a student of the school is not precluded from carrying
27 a concealed pistol while in a vehicle on school property, if he or

1 she is dropping the student off at the school or picking up the
2 child from the school. As used in this section, "school" and
3 "school property" mean those terms as defined in section 237a of
4 the Michigan penal code, 1931 PA 328, MCL 750.237a.

5 (b) A public or private child care center or day care center,
6 public or private child caring institution, or public or private
7 child placing agency.

8 (c) A sports arena or stadium.

9 (d) A bar or tavern licensed under the Michigan liquor control
10 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
11 primary source of income of the business is the sale of alcoholic
12 liquor by the glass and consumed on the premises. This subdivision
13 ~~shall~~ **DOES** not apply to an owner or employee of the business. The
14 Michigan liquor control commission shall develop and make available
15 to holders of licenses under the Michigan liquor control code of
16 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
17 stating that "This establishment prohibits patrons from carrying
18 concealed weapons". The owner or operator of an establishment
19 licensed under the Michigan liquor control code of 1998, 1998 PA
20 58, MCL 436.1101 to 436.2303, may, but ~~shall~~ **IS** not ~~be~~ required
21 to, post the sign developed under this subdivision. A record made
22 available by an establishment licensed under the Michigan liquor
23 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303,
24 necessary to enforce this subdivision is exempt from disclosure
25 under the freedom of information act, 1976 PA 442, MCL 15.231 to
26 15.246.

27 (e) Any property or facility owned or operated by a church,

1 synagogue, mosque, temple, or other place of worship, unless the
2 presiding official or officials of the church, synagogue, mosque,
3 temple, or other place of worship permit the carrying of concealed
4 pistol on that property or facility.

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

10 (g) A hospital.

11 (h) A dormitory or classroom of a community college, college,
12 or university.

13 (2) An individual licensed under this act to carry a concealed
14 pistol, or who is exempt from licensure under section 12a(f), shall
15 not carry a concealed pistol in violation of R 432.1212 or a
16 successor rule of the Michigan administrative code promulgated
17 pursuant to the Michigan gaming control and revenue act, the
18 Initiated Law of 1996, MCL 432.201 to 432.226.

19 (3) As used in subsection (1), "premises" does not include
20 parking areas of the places identified under subsection (1).

21 (4) Subsection (1) does not apply to any of the following:

22 (a) An individual licensed under this act who is a retired
23 police officer or retired law enforcement officer. The ~~concealed~~
24 ~~weapon licensing board~~ **SECRETARY OF STATE** may require a letter
25 from the law enforcement agency stating that the retired police
26 officer or law enforcement officer retired in good standing.

27 (b) An individual who is licensed under this act and who is

1 employed or contracted by an entity described under subsection (1)
2 to provide security services and is required by his or her employer
3 or the terms of a contract to carry a concealed firearm on the
4 premises of the employing or contracting entity.

5 (c) An individual who is licensed as a private investigator or
6 private detective under the private detective license act, 1965 PA
7 285, MCL 338.821 to 338.851.

8 (d) Any of the following who is licensed under this act while
9 on duty and in the course of his or her employment:

10 (i) A corrections officer of a county sheriff's department.

11 (ii) A motor carrier officer or capitol security officer of the
12 department of state police.

13 (iii) A member of a sheriff's posse.

14 (iv) An auxiliary officer or reserve officer of a police or
15 sheriff's department.

16 (v) A parole or probation officer of the department of
17 corrections.

18 (5) An individual who violates this section is responsible for
19 a state civil infraction or guilty of a crime as follows:

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

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

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

6 Sec. 5w. (1) One million dollars is appropriated from the
7 general fund to the department of state police for the fiscal year
8 ending September 30, 2001 for all of the following:

9 (a) Distributing trigger locks or other safety devices for
10 firearms to the public free of charge.

11 (b) Providing concealed pistol application kits to county
12 sheriffs, local police agencies, and county clerks for distribution
13 under section 5.

14 (c) The fingerprint analysis and comparison reports required
15 under section 5b(11).

16 (d) Photographs required under section 5c.

17 (e) Creating and maintaining the database required under
18 section 5e.

19 (f) Creating and maintaining a database of firearms that have
20 been reported lost or stolen. Information in the database shall be
21 made available to law enforcement through the law enforcement
22 information network.

23 ~~—— (g) Grants to county concealed weapon licensing boards for
24 expenditure only to implement this act.~~

25 (G) ~~—(h)—~~ Training under section 5v(4).

26 (H) ~~—(i)—~~ Creating and distributing the reporting forms
27 required under section 5m.

1 (I) ~~-(j)-~~ A public safety campaign regarding the requirements
2 of this act.

3 (2) Pursuant to section 30 of article IX of the state
4 constitution of 1963, total state spending under subsection (1) for
5 the fiscal year ending September 30, 2001 is \$1,000,000.00.

6 (3) The appropriations made and the expenditures authorized
7 under this section and the departments, agencies, commissions,
8 boards, offices, and programs for which an appropriation is made
9 under this section are subject to the management and budget act,
10 1984 PA 431, MCL 18.1101 to 18.1594.

11 Sec. 6a. (1) ~~A concealed weapons licensing board~~ **THE**
12 **SECRETARY OF STATE** may issue to any bank, trust company, armored
13 car company, railway company, express company, or other company,
14 institution, copartnership, or individual having in its, their, or
15 the individual's possession large sums of money or other valuables,
16 a license authorizing the licensee to equip the premises or
17 vehicles under its, their, or the individual's control with gas
18 ejecting devices to be used solely for the purpose of protecting
19 those premises or vehicles and the persons or property in the
20 premises or vehicles from criminal assaults.

21 (2) The ~~director of the department of state police~~ **SECRETARY**
22 **OF STATE** shall promulgate rules to govern the issuing of the
23 license and the making of an application for the license. The rules
24 shall be promulgated pursuant to the administrative procedures act
25 of 1969, ~~Act No. 306 of the Public Acts of 1969, as amended, being~~
26 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws~~ **1969 PA**
27 **306, MCL 24.201 TO 24.328.** The ~~concealed weapons licensing board~~

1 **SECRETARY OF STATE** may issue to any company, copartnership, or
2 individual under the limitations and pursuant to the rules
3 promulgated by the director of the department of state police a
4 license authorizing the corporation, copartnership, or individual
5 to manufacture or sell, or both, a gas ejecting or emitting weapon,
6 cartridge, or device to any person authorized by law to possess the
7 weapon, cartridge, or device.

8 (3) For purposes of this section, "gas ejecting device" means
9 a device designed for the purpose of rendering a person either
10 temporarily or permanently disabled by the ejection, release, or
11 emission of a gas or other substance.

12 (4) A license shall not be required under this section for the
13 sale, purchase, or possession of a self-defense spray device, as
14 defined in section 224d of the Michigan penal code, ~~Act No. 328 of~~
15 ~~the Public Acts of 1931, being section 750.224d of the Michigan~~
16 ~~Compiled Laws 1931 PA 328, MCL 750.224D.~~

17 Sec. 8. (1) The ~~concealed weapon licensing board that issued~~
18 ~~a license to an applicant to carry a concealed pistol~~ **SECRETARY OF**
19 **STATE** may revoke that license if the ~~board~~ **SECRETARY OF STATE**
20 determines that the individual committed any violation of this act
21 other than a violation of section 5f(4) or if the ~~board~~ **SECRETARY**
22 **OF STATE** determines that the individual is not eligible under this
23 act to receive a license to carry a concealed pistol. If the ~~board~~
24 **SECRETARY OF STATE** determines that the individual has been found
25 responsible for 3 or more state civil infraction violations of this
26 act during the license period, the ~~board~~ **SECRETARY OF STATE** shall
27 conduct a hearing and may suspend the individual's license for not

1 more than 1 year.

2 (2) Except as provided in subsections (3) and (4), a license
3 shall not be revoked under this section except upon written
4 complaint and an opportunity for a hearing before the ~~board~~
5 **SECRETARY OF STATE**. The ~~board~~ **SECRETARY OF STATE** shall give the
6 individual at least 10 days' notice of a hearing under this
7 section. The notice shall be by personal service or by certified
8 mail delivered to the individual's last known address.

9 (3) If the ~~concealed weapon licensing board~~ **SECRETARY OF**
10 **STATE** is notified by a law enforcement agency or prosecuting
11 official that an individual licensed to carry a concealed pistol is
12 charged with a felony or misdemeanor as defined in this act, the
13 ~~concealed weapon licensing board~~ **SECRETARY OF STATE** shall
14 immediately suspend the individual's license until there is a final
15 disposition of the charge for that offense and send notice of that
16 suspension to the individual's last known address as indicated in
17 the records of the ~~concealed weapon licensing board~~ **SECRETARY OF**
18 **STATE**. The notice shall inform the individual that he or she is
19 entitled to a prompt hearing on the suspension, and the ~~concealed~~
20 ~~weapon licensing board~~ **SECRETARY OF STATE** shall conduct a prompt
21 hearing if requested in writing by the individual. The requirements
22 of subsection (2) do not apply to this subsection.

23 (4) If the ~~concealed weapon licensing board~~ **SECRETARY OF**
24 **STATE** determines by clear and convincing evidence based on specific
25 articulable facts that the applicant poses a danger to the
26 applicant or to any other person, the ~~concealed weapon licensing~~
27 ~~board~~ **SECRETARY OF STATE** shall immediately suspend the

1 individual's license pending a revocation hearing under this
2 section. The ~~concealed weapon licensing board~~ **SECRETARY OF STATE**
3 shall send notice of the suspension to the individual's last known
4 address as indicated in the records of the ~~concealed weapon~~
5 ~~licensing board~~ **SECRETARY OF STATE**. The notice shall inform the
6 individual that he or she is entitled to a prompt hearing on the
7 suspension, and the ~~concealed weapon licensing board~~ **SECRETARY OF**
8 **STATE** shall conduct a prompt hearing if requested in writing by the
9 individual. The requirements of subsection (2) do not apply to this
10 subsection.

11 (5) If the ~~concealed weapon licensing board~~ **SECRETARY OF**
12 **STATE** orders a license suspended or revoked under this section or
13 amends a suspension or revocation order, the ~~concealed weapon~~
14 ~~licensing board~~ **SECRETARY OF STATE** shall immediately notify a law
15 enforcement agency having jurisdiction in the county in which the
16 ~~concealed weapon licensing board is located~~ **LICENSEE RESIDES** to
17 enter the order or amended order into the law enforcement
18 information network. A law enforcement agency that receives notice
19 of an order or amended order under this subsection from ~~a~~
20 ~~concealed weapon licensing board~~ **THE SECRETARY OF STATE** shall
21 immediately enter the order or amended order into the law
22 enforcement information network as requested by ~~that concealed~~
23 ~~weapon licensing board~~ **THE SECRETARY OF STATE**.

24 (6) A suspension or revocation order or amended order issued
25 under this section is immediately effective. However, an individual
26 is not criminally liable for violating the order or amended order
27 unless he or she has received notice of the order or amended order.

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

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

15 (9) The ~~clerk of the concealed weapon licensing board~~
16 **SECRETARY OF STATE** is authorized to administer an oath to any
17 individual testifying before the ~~board~~ **SECRETARY OF STATE** at a
18 hearing under this section.

19 Enacting section 1. This amendatory act takes effect January
20 1, 2006.