

# HOUSE BILL No. 5470

September 25, 2009, Introduced by Reps. Mayes, Huckleberry, Ball, Sheltroun, Booher, Horn, Haveman, Calley, Crawford, Roberts, Neumann, Agema, Rick Jones, Kowall, Genetski, Amash, Walsh, Daley, Pavlov, Kurtz, Schuitmaker, LeBlanc, Hansen, Bolger, Polidori, McDowell, Simpson, Spade, Terry Brown, Meekhof, Caul and Angerer and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

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 section 5b (MCL 28.425b), as amended by 2008 PA 406.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
2       an individual shall apply to the concealed weapon licensing board  
3       in the county in which that individual resides. The application

1 shall be filed with the county clerk during the county clerk's  
2 normal business hours. The application shall be on a form provided  
3 by the director of the department of state police and shall allow  
4 the applicant to designate whether the applicant seeks a temporary  
5 license. The application shall be signed under oath by the  
6 applicant. The oath shall be administered by the county clerk or  
7 his or her representative. The application shall contain all of the  
8 following information:

9 (a) The applicant's legal name and date of birth and the  
10 address of his or her primary residence. If the applicant resides  
11 in a city, village, or township that has a police department, the  
12 name of the police department. Information received under this  
13 subdivision is confidential, is not subject to disclosure under the  
14 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and  
15 shall not be disclosed to any person except for purposes of this  
16 act or for law enforcement purposes.

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

19 (c) A statement by the applicant authorizing the concealed  
20 weapon licensing board to access any record, including any medical  
21 record, pertaining to the applicant's qualifications for a license  
22 to carry a concealed pistol under this act. The applicant may  
23 request that information received by the concealed weapon licensing  
24 board under this subdivision be reviewed in a closed session. If  
25 the applicant requests that the session be closed, the concealed  
26 weapon licensing board shall close the session only for purposes of  
27 this subdivision. The applicant and his or her representative have

1 the right to be present in the closed session. Medical records and  
2 personal identifying information received by the concealed weapon  
3 licensing board under this subdivision is confidential, is not  
4 subject to disclosure under the freedom of information act, 1976 PA  
5 442, MCL 15.231 to 15.246, and shall not be disclosed to any person  
6 except for purposes of this act or for law enforcement purposes or  
7 if the applicant is convicted of a felony involving a pistol.

8 (d) A statement by the applicant regarding whether he or she  
9 has a history of mental illness that would disqualify him or her  
10 under subsection (7)(j) to (l) from receiving a license to carry a  
11 concealed pistol, and authorizing the concealed weapon licensing  
12 board to access the mental health records of the applicant relating  
13 to his or her mental health history. The applicant may request that  
14 information received by the concealed weapon licensing board under  
15 this subdivision be reviewed in a closed session. If the applicant  
16 requests that the session be closed, the concealed weapon licensing  
17 board shall close the session only for purposes of this  
18 subdivision. The applicant and his or her representative have the  
19 right to be present in the closed session. Medical records and  
20 personal identifying information received by the concealed weapon  
21 licensing board under this subdivision is confidential, is not  
22 subject to disclosure under the freedom of information act, 1976 PA  
23 442, MCL 15.231 to 15.246, and shall not be disclosed to any person  
24 except for purposes of this act or for 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 of the  
27 following:

1 (i) Any felony.

2 (ii) A misdemeanor listed under subsection (7)(h) or (i), if  
3 the applicant was convicted of violating that misdemeanor in the 8  
4 years immediately preceding the date of the application.

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

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

9 (h) The names, residential addresses, and telephone numbers of  
10 2 individuals who are references for the applicant. Information  
11 received under this subdivision is confidential, is not subject to  
12 disclosure under the freedom of information act, 1976 PA 442, MCL  
13 15.231 to 15.246, and shall not be disclosed to any person except  
14 for purposes of this act or for law enforcement purposes.

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 shall retain a copy  
2 of each application for a license to carry a concealed pistol as an  
3 official record. One year after the expiration of a concealed  
4 pistol license, the county clerk may destroy the record and  
5 maintain only a name index of the record.

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

25           (6) The county sheriff on behalf of the concealed weapon  
26 licensing board shall verify the requirements of subsection (7)(d),  
27 (e), (f), (h), (i), (j), (k), (l), and (m) through the law

1 enforcement information network and report his or her finding to  
2 the concealed weapon licensing board. If the applicant resides in a  
3 city, village, or township that has a police department, the  
4 concealed weapon licensing board shall contact that city, village,  
5 or township police department to determine only whether that city,  
6 village, or township police department has any information relevant  
7 to the investigation of whether the applicant is eligible under  
8 this act to receive a license to carry a concealed pistol. The  
9 concealed weapon licensing board may require a person claiming  
10 active duty status with the United States armed forces under this  
11 section to provide proof of 1 or both of the following:

12 (a) The person's home of record.

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

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

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

20 (b) The applicant is a citizen of the United States or is an  
21 alien lawfully admitted into the United States, is a legal resident  
22 of this state, and has resided in this state for not less than the  
23 6 months immediately preceding the date of application. The  
24 concealed weapon licensing board may waive the 6-month residency  
25 requirement for a temporary license under section 5a(8) if the  
26 concealed weapon licensing board determines there is probable cause  
27 to believe the safety of the applicant or the safety of a member of

1 the applicant's family is endangered by the applicant's inability  
2 to immediately obtain a license to carry a concealed pistol. If the  
3 applicant holds a valid concealed pistol license issued by another  
4 state at the time the applicant's residency in this state is  
5 established, the concealed weapon licensing board may waive the 6-  
6 month waiting period and the applicant may apply for a concealed  
7 pistol license at the time the applicant's residency in this state  
8 is established. The concealed weapon licensing board shall  
9 immediately issue a temporary license to that applicant. The  
10 temporary license shall be valid until the concealed weapon  
11 licensing board decides whether to grant or deny the application.  
12 For the purposes of this section, a person shall be considered a  
13 legal resident of this state if any of the following apply:

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

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

19 (iii) The person is on active duty status with the United States  
20 armed forces and is stationed outside of this state, but the  
21 person's home of record is in this state.

22 (iv) The person is on active duty status with the United States  
23 armed forces and is permanently stationed in this state, but the  
24 person's home of record is in another state. **THIS SUBDIVISION SHALL**  
25 **NOT BE CONSTRUED TO REQUIRE A MEMBER OF THE UNITED STATES ARMED**  
26 **FORCES TO OBTAIN A LICENSE UNDER THIS SECTION IF HE OR SHE IS**  
27 **EXEMPT UNDER SECTION 12A.**

1 (c) The applicant has knowledge and has had training in the  
2 safe use and handling of a pistol by the successful completion of a  
3 pistol safety training course or class that meets the requirements  
4 of section 5j, and that is available to the general public and  
5 presented by a law enforcement agency, junior or community college,  
6 college, or public or private institution or organization or  
7 firearms training school.

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

10 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
11 330.1464a.

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

14 (iii) Sections 2950 and 2950a of the revised judicature act of  
15 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

26 (f) The applicant has never been convicted of a felony in this  
27 state or elsewhere, and a felony charge against the applicant is



1 not pending in this state or elsewhere at the time he or she  
2 applies for a license described in this section.

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

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

8 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL  
9 257.617a (failing to stop when involved in a personal injury  
10 accident).

11 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
12 257.625, punishable as provided in subsection (9)(b) of that  
13 section (operating while intoxicated, second offense **WITHIN 7**  
14 **YEARS**).

15 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,  
16 MCL 257.625m punishable under subsection (4) of that section  
17 (operating a commercial vehicle with alcohol content, second  
18 offense **WITHIN 7 YEARS**).

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

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

24 (vi) Section 185 of the aeronautics code of the state of  
25 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under  
26 the influence of intoxicating liquor or a controlled substance with  
27 prior conviction).

1           (vii) Section 29 of the weights and measures act, 1964 PA 283,  
2 MCL 290.629 (hindering or obstructing certain persons performing  
3 official weights and measures duties).

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

7           (ix) Section 81134 of the natural resources and environmental  
8 protection act, 1994 PA 451, MCL 324.81134, punishable under  
9 subsection (5) or (6) of that section (operating ORV under the  
10 influence of intoxicating liquor or a controlled substance, second  
11 or subsequent offense).

12           (x) Section 82127 of the natural resources and environmental  
13 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile  
14 under the influence of intoxicating liquor or a controlled  
15 substance), punishable as a second or subsequent offense under  
16 section 82128(1)(b) or (c) of the natural resources and  
17 environmental protection act, 1994 PA 451, MCL 324.82128.

18           (xi) Section 80176 of the natural resources and environmental  
19 protection act, 1994 PA 451, MCL 324.80176, and punishable under  
20 section 80177(1)(b) (operating vessel under the influence of  
21 intoxicating liquor or a controlled substance, second ~~or subsequent~~  
22 offense **WITHIN 7 YEARS**).

23           (xii) Section 7403 of the public health code, 1978 PA 368, MCL  
24 333.7403.

25           (xiii) Section 353 of the railroad code of 1993, 1993 PA 354,  
26 MCL 462.353 (operating locomotive under the influence of  
27 intoxicating liquor or a controlled substance, or while visibly

1 impaired), punishable under subsection (4) of that section.

2 (xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually  
3 explicit matter to minors).

4 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL  
5 750.81 (assault or domestic assault).

6 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA  
7 328, MCL 750.81a (aggravated assault or aggravated domestic  
8 assault).

9 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL  
10 750.115 (breaking and entering or entering without breaking).

11 (xviii) Section ~~136b(6)~~ **136B(7)** of the Michigan penal code, 1931  
12 PA 328, MCL 750.136b (fourth degree child abuse).

13 ~~Section 145a of the Michigan penal code, 1931 PA 328, MCL~~  
14 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~  
15 ~~purposes).~~

16 **(xix)** ~~(xx)~~ Section 145n of the Michigan penal code, 1931 PA  
17 328, MCL 750.145n (vulnerable adult abuse).

18 **(xx)** ~~(xvi)~~ Section 157b(3)(b) of the Michigan penal code, 1931  
19 PA 328, MCL 750.157b (solicitation to commit a felony).

20 **(xxi)** ~~(xxii)~~ Section 215 of the Michigan penal code, 1931 PA 328,  
21 MCL 750.215 (impersonating peace officer or medical examiner).

22 **(xxii)** ~~(xxiii)~~ Section 223 of the Michigan penal code, 1931 PA  
23 328, MCL 750.223 (illegal sale of a firearm or ammunition).

24 **(xxiii)** ~~(xxiv)~~ Section 224d of the Michigan penal code, 1931 PA  
25 328, MCL 750.224d (illegal use or sale of a self-defense spray).

26 **(xxiv)** ~~(xxv)~~ Section 226a of the Michigan penal code, 1931 PA  
27 328, MCL 750.226a (sale or possession of a switchblade).

1       (**xxv**) ~~(xxvi)~~ Section 227c of the Michigan penal code, 1931 PA  
2 328, MCL 750.227c (improper transportation of a loaded firearm).

3 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~  
4 ~~750.228 (failure to have a pistol inspected).~~

5       (**xxvi**) ~~(xxviii)~~ Section 229 of the Michigan penal code, 1931 PA  
6 328, MCL 750.229 (accepting a pistol in pawn).

7       (**xxvii**) ~~(xxix)~~ Section 232 of the Michigan penal code, 1931 PA  
8 328, MCL 750.232 (failure to register the purchase of a firearm or  
9 a firearm component).

10       (**xxviii**) ~~(xxx)~~ Section 232a of the Michigan penal code, 1931 PA  
11 328, MCL 750.232a (improperly obtaining a pistol, making a false  
12 statement on an application to purchase a pistol, or using false  
13 identification to purchase a pistol).

14       (**xxix**) ~~(xxxi)~~ Section 233 of the Michigan penal code, 1931 PA  
15 328, MCL 750.233 (intentionally aiming a firearm without malice).

16       (**xxx**) ~~(xxvii)~~ Section 234 of the Michigan penal code, 1931 PA  
17 328, MCL 750.234 (intentionally discharging a firearm aimed without  
18 malice).

19       (**xxxi**) ~~(xxviii)~~ Section 234d of the Michigan penal code, 1931 PA  
20 328, MCL 750.234d (possessing a firearm on prohibited premises).

21       (**xxxii**) ~~(xxiv)~~ Section 234e of the Michigan penal code, 1931 PA  
22 328, MCL 750.234e (brandishing a firearm in public).

23       (**xxxiii**) ~~(xxx)~~ Section 234f of the Michigan penal code, 1931 PA  
24 328, MCL 750.234f (possession of a firearm by an individual less  
25 than 18 years of age).

26       (**xxxiv**) ~~(xxvi)~~ Section 235 of the Michigan penal code, 1931 PA  
27 328, MCL 750.235 (intentionally discharging a firearm aimed without

1 malice causing injury).

2       ~~(xxxv) (xxvii)~~ Section 235a of the Michigan penal code, 1931 PA  
3 328, MCL 750.235a (parent of a minor who possessed a firearm in a  
4 weapon free school zone).

5       ~~(xxxvi) (xxviii)~~ Section 236 of the Michigan penal code, 1931 PA  
6 328, MCL 750.236 (setting a spring gun or other device).

7       ~~(xxxvii) (xxix)~~ Section 237 of the Michigan penal code, 1931 PA  
8 328, MCL 750.237 (possessing a firearm while under the influence of  
9 intoxicating liquor or a ~~drug~~ **CONTROLLED SUBSTANCE**).

10       ~~(xxxviii) (xl)~~ Section 237a of the Michigan penal code, 1931 PA  
11 328, MCL 750.237a (weapon free school zone violation).

12       ~~(xxxix) (xli)~~ Section 335a of the Michigan penal code, 1931 PA  
13 328, MCL 750.335a (indecent exposure).

14       ~~(xl) (xlii)~~ Section 411h of the Michigan penal code, 1931 PA 328,  
15 MCL 750.411h (stalking).

16       ~~(xli) (xliii)~~ Section 520e of the Michigan penal code, 1931 PA  
17 328, MCL 750.520e (fourth degree criminal sexual conduct).

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

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

24       ~~(xliv) (xlv)~~ Section ~~3a-3~~ 3 of 1952 PA 45, MCL 752.863a (reckless  
25 discharge of a firearm).

26       ~~(xlv) (xlvii)~~ A violation of a law of the United States, another  
27 state, or a local unit of government of this state or another state

1 substantially corresponding to a violation described in  
2 subparagraphs (i) to ~~(xlv)~~ **(xliv)** .

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

7 (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL  
8 257.625 (operating under the influence) .

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

12 (iii) Section ~~625k~~ **625K(10)** of the Michigan vehicle code, 1949  
13 PA 300, MCL 257.625k (ignition interlock device reporting  
14 violation) .

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

18 (v) Section 625m of the Michigan vehicle code, 1949 PA 300,  
19 MCL 257.625m, punishable under subsection (3) of that section  
20 (operating a commercial vehicle with alcohol content) .

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

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

27 (viii) Section 81135 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while  
2 visibly impaired).

3 (ix) Section 82127 of the natural resources and environmental  
4 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile  
5 under the influence).

6 (x) Part 74 of the public health code, 1978 PA 368, MCL  
7 333.7401 to 333.7461 (controlled substance violation).

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

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 with intent to defraud).

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 (second degree 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 (larceny-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 535 of the Michigan penal code, 1931 PA 328, MCL  
5 750.535 (receiving stolen property).

6 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,  
7 MCL 750.540e (malicious use of ~~telephones~~ **A TELECOMMUNICATIONS**  
8 **SERVICE OR DEVICE**).

9 (xxiv) A violation of a law of the United States, another  
10 state, or a local unit of government of this state or another state  
11 substantially corresponding to a violation described in  
12 subparagraphs (i) to (xxiii).

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

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

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

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

24 (n) Issuing a license to the applicant to carry a concealed  
25 pistol in this state is not detrimental to the safety of the  
26 applicant or to any other individual. A determination under this  
27 subdivision shall be based on clear and convincing evidence of



1 repeated violations of this act, crimes, personal protection orders  
2 or injunctions, or police reports or other clear and convincing  
3 evidence of the actions of, or statements of, the applicant that  
4 bear directly on the applicant's ability to carry a concealed  
5 pistol.

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

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

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

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

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

24           (13) Subject to subsections (10) and (14), the concealed  
25 weapon licensing board shall issue or deny issuance of a license  
26 within 45 days after the concealed weapon licensing board receives  
27 the fingerprint comparison report provided under subsection (10).

1 If the concealed weapon licensing board denies issuance of a  
2 license to carry a concealed pistol, the concealed weapon licensing  
3 board shall within 5 business days do both of the following:

4 (a) Inform the applicant in writing of the reasons for the  
5 denial. Information under this subdivision shall include all of the  
6 following:

7 (i) A statement of the specific and articulable facts  
8 supporting the denial.

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

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

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

1 issued that temporary license.

2 (15) If an individual licensed under this act to carry a  
3 concealed pistol moves to a different county within this state, his  
4 or her license remains valid until it expires or is otherwise  
5 suspended or revoked under this act. A license to carry a concealed  
6 pistol that is lost, stolen, or defaced may be replaced by the  
7 issuing county clerk for a replacement fee of \$10.00.

8 (16) If a concealed weapons licensing board suspends or  
9 revokes a license issued under this act, the license is forfeited  
10 and shall be returned to the concealed weapon licensing board  
11 forthwith. An individual who fails to return a license as required  
12 under this subsection after he or she was notified that his or her  
13 license was suspended or revoked is guilty of a misdemeanor  
14 punishable by imprisonment for not more than 93 days or a fine of  
15 not more than \$500.00, or both.

16 (17) An applicant or an individual licensed under this act to  
17 carry a concealed pistol may be furnished a copy of his or her  
18 application under this section upon request and the payment of a  
19 reasonable fee.

20 (18) This section does not prohibit the concealed weapon  
21 licensing board from making public and distributing to the public  
22 at no cost lists of individuals who are certified as qualified  
23 instructors as prescribed under section 5j.

24 (19) As used in this section:

25 (a) "Convicted" means a final conviction, the payment of a  
26 fine, a plea of guilty or nolo contendere if accepted by the court,  
27 or a finding of guilt for a criminal law violation or a juvenile

1 adjudication or disposition by the juvenile division of probate  
2 court or family division of circuit court for a violation that if  
3 committed by an adult would be a crime.

4 (b) "Felony" means that term as defined in section 1 of  
5 chapter I of the code of criminal procedure, 1927 PA 175, MCL  
6 761.1, or a violation of a law of the United States or another  
7 state that is designated as a felony or that is punishable by death  
8 or by imprisonment for more than 1 year.

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

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

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