

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 53

A bill to amend 1927 PA 372, entitled

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

by amending sections 1, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2015 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) As used in this act:
- 2 (a) "Felony" means, except as otherwise provided in this

1 subdivision, that term as defined in section 1 of chapter I of the
2 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
3 of a law of the United States or another state that is designated
4 as a felony or that is punishable by death or by imprisonment for
5 more than 1 year. Felony does not include a violation of a penal
6 law of this state that is expressly designated as a misdemeanor.

7 (b) "Firearm" means a weapon from which a dangerous projectile
8 may be propelled by an explosive, or by gas or air. Firearm does
9 not include a smooth bore rifle or handgun designed and
10 manufactured exclusively for propelling by a spring, or by gas or
11 air, BBs not exceeding .177 caliber.

12 (c) "Firearms records" means any form, information, or record
13 required for submission to a government agency under sections 2,
14 2a, 2b, and 5b, or any form, permit, or license issued by a
15 government agency under this act.

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

22 (e) "Peace officer" means, except as otherwise provided in
23 this act, an individual who is employed as a law enforcement
24 officer, as that term is defined under section 2 of the commission
25 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
26 state or another state, a political subdivision of this state or
27 another state, or the United States, and who is required to carry a

1 firearm in the course of his or her duties as a law enforcement
2 officer.

3 (f) "Pistol" means a loaded or unloaded firearm that is 26
4 inches or less in length, or a loaded or unloaded firearm that by
5 its construction and appearance conceals it as a firearm.

6 (g) "Purchaser" means a person who receives a pistol from
7 another person by purchase or gift.

8 (h) "Reserve peace officer", "auxiliary officer", or "reserve
9 officer" means, except as otherwise provided in this act, an
10 individual authorized on a voluntary or irregular basis by a duly
11 authorized police agency of this state or a political subdivision
12 of this state to act as a law enforcement officer, who is
13 responsible for the preservation of the peace, the prevention and
14 detection of crime, and the enforcement of the general criminal
15 laws of this state, and who is otherwise eligible to possess a
16 firearm under this act.

17 **(I) "RETIRED FEDERAL LAW ENFORCEMENT OFFICER" MEANS AN**
18 **INDIVIDUAL WHO WAS AN OFFICER OR AGENT EMPLOYED BY A LAW**
19 **ENFORCEMENT AGENCY OF THE UNITED STATES GOVERNMENT WHOSE PRIMARY**
20 **RESPONSIBILITY WAS ENFORCING LAWS OF THE UNITED STATES, WHO WAS**
21 **REQUIRED TO CARRY A FIREARM IN THE COURSE OF HIS OR HER DUTIES AS A**
22 **LAW ENFORCEMENT OFFICER, AND WHO RETIRED IN GOOD STANDING FROM HIS**
23 **OR HER EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT OFFICER.**

24 (J) ~~(i)~~—"Retired police officer" or "retired law enforcement
25 officer" means an individual who was a police officer or law
26 enforcement officer who was certified as described under section 9a
27 of the commission on law enforcement standards act, 1965 PA 203,

1 MCL 28.609a, and retired in good standing from his or her
2 employment as a police officer or law enforcement officer. A police
3 officer or law enforcement officer retired in good standing if he
4 or she receives a pension or other retirement benefit for his or
5 her service as a police officer or law enforcement officer or
6 actively maintained a Michigan commission on law enforcement
7 standards or equivalent state certification for 10 or more
8 consecutive years.

9 (K) ~~(j)~~—"Seller" means a person who sells or gives a pistol to
10 another person.

11 (I) ~~(k)~~—"State court judge" means a judge of the district
12 court, circuit court, probate court, or court of appeals or justice
13 of the supreme court of this state who is serving either by
14 election or appointment.

15 (M) ~~(l)~~—"State court retired judge" means a judge or justice
16 described in subdivision ~~(k)~~ ~~(l)~~ who is retired, or a retired judge
17 of the recorders court.

18 (2) A person may lawfully own, possess, carry, or transport as
19 a pistol a firearm greater than 26 inches in length if all of the
20 following conditions apply:

21 (a) The person registered the firearm as a pistol under
22 section 2 or 2a before January 1, 2013.

23 (b) The person who registered the firearm as described in
24 subdivision (a) has maintained registration of the firearm since
25 January 1, 2013 without lapse.

26 (c) The person possesses a copy of the license or record
27 issued to him or her under section 2 or 2a.

1 (3) A person who satisfies all of the conditions listed under
2 subsection (2) nevertheless may elect to have the firearm not be
3 considered to be a pistol. A person who makes the election under
4 this subsection shall notify the department of state police of the
5 election in a manner prescribed by that department.

6 Sec. 5b. (1) Until November 30, 2015, to obtain a license to
7 carry a concealed pistol, an individual shall apply to the
8 concealed weapon licensing board in the county in which that
9 individual resides. Beginning December 1, 2015, to obtain a license
10 to carry a concealed pistol, an individual shall apply to the
11 county clerk in the county in which the individual resides. The
12 applicant shall file the application with the county clerk in the
13 county in which the applicant resides during the county clerk's
14 normal business hours. The application shall be on a form provided
15 by the director of the department of state police. Until November
16 30, 2015, the application shall allow the applicant to designate
17 whether the applicant seeks a temporary license. Beginning December
18 1, 2015, the application shall allow the applicant to designate
19 whether the applicant seeks an emergency license. The application
20 shall be signed under oath by the applicant. The oath shall be
21 administered by the county clerk or his or her representative.
22 Beginning December 1, 2015, not more than 1 application may be
23 submitted under this subsection in any calendar year. Beginning
24 December 1, 2015, an application under this subsection is not
25 considered complete until an applicant submits all of the required
26 information and fees and has fingerprints taken under subsection
27 (9). Beginning December 1, 2015, an application under this

subsection is considered withdrawn if an applicant does not have fingerprints taken under subsection (9) within 45 days of the date an application is filed under this subsection. Beginning December 1, 2015, a completed application under this section expires 1 year from the date of application. Beginning December 1, 2015, the county clerk shall issue the applicant a receipt for his or her application at the time the application is submitted containing the name of the applicant, the applicant's state-issued driver license or personal identification card number, the date and time the receipt is issued, the amount paid, the name of the county in which the receipt is issued, an impression of the county seal, and the statement, "This receipt was issued for the purpose of applying for a concealed pistol license and for obtaining fingerprints related to that application. This receipt does not authorize an individual to carry a concealed pistol in this state.". The application shall contain all of the following:

(a) The applicant's legal name, date of birth, the address of his or her primary residence, and, beginning December 1, 2015, his or her state-issued driver license or personal identification card number. Until November 30, 2015, if the applicant resides in a city, village, or township that has a police department, the name of the police department.

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

(c) Until November 30, 2015, a statement by the applicant authorizing the concealed weapon licensing board to access any record, including any medical record, pertaining to the applicant's

1 qualifications for a license to carry a concealed pistol under this
2 act. The applicant may request that information received by the
3 concealed weapon licensing board under this subdivision be reviewed
4 in a closed session. If the applicant requests that the session be
5 closed, the concealed weapon licensing board shall close the
6 session only for purposes of this subdivision. The applicant and
7 his or her representative have the right to be present in the
8 closed session. Beginning December 1, 2015, a statement by the
9 applicant authorizing the department of state police to access any
10 record needed to perform the verification in subsection (6).

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

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

18 (i) Any felony.

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

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

27 (g) Until November 30, 2015, if the applicant seeks a

1 temporary license, the facts supporting the issuance of that
2 temporary license.

3 (h) Until November 30, 2015, the names, residential addresses,
4 and telephone numbers of 2 individuals who are references for the
5 applicant.

6 (i) Until November 30, 2015, a passport-quality photograph of
7 the applicant provided by the applicant at the time of application.
8 Beginning December 1, 2015, if an applicant does not have a
9 digitized photograph on file with the secretary of state, a
10 passport-quality photograph of the applicant provided by the
11 applicant at the time of application.

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

14 (2) The county clerk shall not require the applicant to submit
15 any additional forms, documents, letters, or other evidence of
16 eligibility for obtaining a license to carry a concealed pistol
17 except as set forth in subsection (1) or as otherwise provided for
18 in this act. The application form shall contain a conspicuous
19 warning that the application is executed under oath and that
20 intentionally making a material false statement on the application
21 is a felony punishable by imprisonment for not more than 4 years or
22 a fine of not more than \$2,500.00, or both.

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

27 (4) The county clerk shall retain a copy of each application

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

5 (5) Until November 30, 2015, each applicant shall pay a
6 nonrefundable application and licensing fee of \$105.00 by any
7 method of payment accepted by that county for payments of other
8 fees and penalties. Beginning December 1, 2015, each applicant
9 shall pay an application and licensing fee of \$100.00 by any method
10 of payment accepted by that county for payments of other fees and
11 penalties. Except as provided in subsection (9), no other charge,
12 fee, cost, or assessment, including any local charge, fee, cost, or
13 assessment, is required of the applicant except as specifically
14 authorized in this act. The application and licensing fee shall be
15 payable to the county. Until November 30, 2015, the county
16 treasurer shall deposit \$15.00 of each application and licensing
17 fee collected under this section in the general fund of the county
18 and credit that deposit to the credit of the county sheriff and
19 deposit \$26.00 of each fee collected under this section in the
20 concealed pistol licensing fund of that county created in section
21 5x. Beginning December 1, 2015, the county treasurer shall deposit
22 \$26.00 of each application and licensing fee collected under this
23 section in the concealed pistol licensing fund of that county
24 created in section 5x. The county treasurer shall forward the
25 balance remaining to the state treasurer. The state treasurer shall
26 deposit the balance of the fee in the general fund to the credit of
27 the department of state police. The department of state police

1 shall use the money received under this act to process the
2 fingerprints and to reimburse the Federal Bureau of Investigation
3 for the costs associated with processing fingerprints submitted
4 under this act. The balance of the money received under this act
5 shall be credited to the department of state police.

6 (6) Until November 30, 2015, the county sheriff on behalf of
7 the concealed weapon licensing board shall verify the requirements
8 of subsection (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m)
9 through the law enforcement information network and report his or
10 her finding to the concealed weapon licensing board. Beginning
11 December 1, 2015, the department of state police shall verify the
12 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),
13 and (m) through the law enforcement information network and the
14 national instant criminal background check system and shall report
15 to the county clerk all statutory disqualifications, if any, under
16 this act that apply to an applicant. Until November 30, 2015, if
17 the applicant resides in a city, village, or township that has a
18 police department, the concealed weapon licensing board shall
19 contact that city, village, or township police department to
20 determine only whether that city, village, or township police
21 department has any information relevant to the investigation of
22 whether the applicant is eligible under this act to receive a
23 license to carry a concealed pistol. Until November 30, 2015, the
24 concealed weapon licensing board may require a person claiming
25 active duty status with the United States armed forces under this
26 section to provide proof of 1 or both of the following:

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

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

2 (7) Until November 30, 2015, the concealed weapon licensing
3 board and, beginning December 1, 2015, the county clerk shall issue
4 and shall send by first-class mail a license to an applicant to
5 carry a concealed pistol within the period required under this act
6 if the concealed weapon licensing board or county clerk determines
7 that all of the following circumstances exist:

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

9 (b) The applicant is a citizen of the United States or is an
10 alien lawfully admitted into the United States, is a legal resident
11 of this state, and has resided in this state for not less than the
12 6 months immediately preceding the date of application. Until
13 November 30, 2015, the concealed weapon licensing board may waive
14 the 6-month residency requirement for a temporary license under
15 section 5a(8) if the concealed weapon licensing board determines
16 that there is probable cause to believe that the safety of the
17 applicant or the safety of a member of the applicant's family is
18 endangered by the applicant's inability to immediately obtain a
19 license to carry a concealed pistol. Until November 30, 2015, if
20 the applicant holds a valid concealed pistol license issued by
21 another state at the time the applicant's residency in this state
22 is established, the concealed weapon licensing board may waive the
23 6-month waiting period and the applicant may apply for a concealed
24 pistol license at the time the applicant's residency in this state
25 is established. Until November 30, 2015, the concealed weapon
26 licensing board shall immediately issue a temporary license to that
27 applicant. Until November 30, 2015, the temporary license is valid

1 until the concealed weapon licensing board decides whether to grant
2 or deny the application. Beginning December 1, 2015, the county
3 clerk shall waive the 6-month residency requirement for an
4 emergency license under section 5a(4) if the applicant is a
5 petitioner for a personal protection order issued under section
6 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.2950 and 600.2950a, or if the county sheriff determines
8 that there is clear and convincing evidence to believe that the
9 safety of the applicant or the safety of a member of the
10 applicant's family or household is endangered by the applicant's
11 inability to immediately obtain a license to carry a concealed
12 pistol. Beginning December 1, 2015, if the applicant holds a valid
13 concealed pistol license issued by another state at the time the
14 applicant's residency in this state is established, the county
15 clerk shall waive the 6-month waiting period and the applicant may
16 apply for a concealed pistol license at the time the applicant's
17 residency in this state is established. For the purposes of this
18 section, a person is considered a legal resident of this state if
19 any of the following apply:

20 (i) The person has a valid, lawfully obtained driver license
21 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
22 257.923, or official state personal identification card issued
23 under 1972 PA 222, MCL 28.291 to 28.300.

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

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

1 (iv) The person is on active duty status with the United States
2 armed forces and is permanently stationed in this state, but the
3 person's home of record is in another state.

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

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 under
18 section 6b(3) of chapter V of the code of criminal procedure, 1927
19 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 and a charge for a misdemeanor
8 violation of any of the following is not pending against the
9 applicant in this state or elsewhere at the time he or she applies
10 for a license described in this section:

11 (i) Section 617a (failing to stop when involved in a personal
12 injury accident), section 625 as punishable under subsection (9)(b)
13 of that section (operating while intoxicated, second offense),
14 section 625m as punishable under subsection (4) of that section
15 (operating a commercial vehicle with alcohol content, second
16 offense), section 626 (reckless driving), or a violation of section
17 904(1) (operating while license suspended or revoked, second or
18 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
19 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

27 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL

1 290.650 (hindering, obstructing, assaulting, or committing bodily
2 injury upon director or authorized representative).

3 (v) Section 80176 as punishable under section 80177(1)(b)
4 (operating vessel under the influence of intoxicating liquor or a
5 controlled substance, second offense), section 81134 as punishable
6 under subsection (8)(b) of that section (operating ORV under the
7 influence of intoxicating liquor or a controlled substance, second
8 or subsequent offense), or section 82127 as punishable under
9 section 82128(1)(b) (operating snowmobile under the influence of
10 intoxicating liquor or a controlled substance, second offense) of
11 the natural resources and environmental protection act, 1994 PA
12 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

13 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
14 333.7403 (possession of controlled substance, controlled substance
15 analogue, or prescription form).

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

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

22 (ix) Section 81 (assault or domestic assault), section 81a(1)
23 or (2) (aggravated assault or aggravated domestic assault), section
24 115 (breaking and entering or entering without breaking), section
25 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
26 abuse), section 157b(3)(b) (solicitation to commit a felony),
27 section 215 (impersonating peace officer or medical examiner),

1 section 223 (illegal sale of a firearm or ammunition), section 224d
2 (illegal use or sale of a self-defense spray), section 226a (sale
3 or possession of a switchblade), section 227c (improper
4 transportation of a loaded firearm), section 229 (accepting a
5 pistol in pawn), section 232 (failure to register the purchase of a
6 firearm or a firearm component), section 232a (improperly obtaining
7 a pistol, making a false statement on an application to purchase a
8 pistol, or using false identification to purchase a pistol),
9 section 233 (intentionally aiming a firearm without malice),
10 section 234 (intentionally discharging a firearm aimed without
11 malice), section 234d (possessing a firearm on prohibited
12 premises), section 234e (brandishing a firearm in public), section
13 234f (possession of a firearm by an individual less than 18 years
14 of age), section 235 (intentionally discharging a firearm aimed
15 without malice causing injury), section 235a (parent of a minor who
16 possessed a firearm in a weapon free school zone), section 236
17 (setting a spring gun or other device), section 237 (possessing a
18 firearm while under the influence of intoxicating liquor or a
19 controlled substance), section 237a (weapon free school zone
20 violation), section 335a (indecent exposure), section 411h
21 (stalking), or section 520e (fourth degree criminal sexual conduct)
22 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
23 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,
24 750.226a, 750.227c, 750.229, 750.232, 750.232a, 750.233, 750.234,
25 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,
26 750.237a, 750.335a, 750.411h, and 750.520e.

27 (x) Former section 228 of the Michigan penal code, 1931 PA

1 328.

2 (xi) Section 1 (reckless, careless, or negligent use of a
3 firearm resulting in injury or death), section 2 (careless,
4 reckless, or negligent use of a firearm resulting in property
5 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
6 45, MCL 752.861, 752.862, and 752.863a.

7 (xii) A violation of a law of the United States, another state,
8 or a local unit of government of this state or another state
9 substantially corresponding to a violation described in
10 subparagraphs (i) to (xi).

11 (i) The applicant has not been convicted of a misdemeanor
12 violation of any of the following in the 3 years immediately
13 preceding the date of application unless the misdemeanor violation
14 is listed under subdivision (h) and a charge for a misdemeanor
15 violation of any of the following is not pending against the
16 applicant in this state or elsewhere at the time he or she applies
17 for a license described in this section:

18 (i) Section 625 (operating under the influence), section 625a
19 (refusal of commercial vehicle operator to submit to a chemical
20 test), section 625k (ignition interlock device reporting
21 violation), section 625l (circumventing an ignition interlock
22 device), or section 625m punishable under subsection (3) of that
23 section (operating a commercial vehicle with alcohol content) of
24 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
25 257.625k, 257.625l, and 257.625m.

26 (ii) Section 185 of the aeronautics code of the state of
27 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the

1 influence).

2 (iii) Section 81134 (operating ORV under the influence or
3 operating ORV while visibly impaired), or section 82127 (operating
4 a snowmobile under the influence) of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.81134 and
6 324.82127.

7 (iv) Part 74 of the public health code, 1978 PA 368, MCL
8 333.7401 to 333.7461 (controlled substance violation).

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

12 (vi) Section 167 (disorderly person), section 174
13 (embezzlement), section 218 (false pretenses with intent to
14 defraud), section 356 (larceny), section 356d (second degree retail
15 fraud), section 359 (larceny from a vacant building or structure),
16 section 362 (larceny by conversion), section 362a (larceny -
17 defrauding lessor), section 377a (malicious destruction of
18 property), section 380 (malicious destruction of real property),
19 section 535 (receiving or concealing stolen property), or section
20 540e (malicious use of telecommunications service or device) of the
21 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
22 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
23 750.535, and 750.540e.

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

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

4 (k) The applicant is not currently and has never been subject
5 to an order of involuntary commitment in an inpatient or outpatient
6 setting due to mental illness.

7 (l) The applicant has filed a statement under subsection (1)(d)
8 that the applicant does not have a diagnosis of mental illness that
9 includes an assessment that the individual presents a danger to
10 himself or herself or to another at the time the application is
11 made, regardless of whether he or she is receiving treatment for
12 that illness.

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

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

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

1 eligibility to be licensed under this act.

2 (9) An individual, after submitting an application and paying
3 the fee prescribed under subsection (5), shall request that
4 classifiable fingerprints be taken by the county clerk, department
5 of state police, county sheriff, a local police agency, or other
6 entity, if the county clerk, department of state police, county
7 sheriff, local police agency, or other entity provides
8 fingerprinting capability for the purposes of this act. Beginning
9 December 1, 2015, an individual who has had classifiable
10 fingerprints taken under section 5a(4) does not need additional
11 fingerprints taken under this subsection. If the individual
12 requests that classifiable fingerprints be taken by the county
13 clerk, department of state police, county sheriff, a local police
14 agency, or other entity, the individual shall also pay a fee of
15 \$15.00 by any method of payment accepted for payments of other fees
16 and penalties. A county clerk shall deposit any fee it accepts
17 under this subsection in the concealed pistol licensing fund of
18 that county created in section 5x. The county clerk, department of
19 state police, county sheriff, local police agency, or other entity
20 shall take the fingerprints within 5 business days after the
21 request. County clerks, the department of state police, county
22 sheriffs, local police agencies, and other entities shall provide
23 reasonable access to fingerprinting services during normal business
24 hours as is necessary to comply with the requirements of this act
25 if the county clerk, department of state police, county sheriff,
26 local police agency, or other entity provides fingerprinting
27 capability for the purposes of this act. Beginning December 1,

1 2015, the entity providing fingerprinting services shall issue the
2 applicant a receipt at the time his or her fingerprints are taken.
3 Beginning December 1, 2015, the county clerk, department of state
4 police, county sheriff, local police agency, or other entity shall
5 not provide a receipt under this subsection unless the individual
6 requesting the fingerprints provides an application receipt
7 received under subsection (1). Beginning December 1, 2015, a
8 receipt under this subsection shall contain all of the following:

9 (a) The name of the applicant.

10 (b) The date and time the receipt is issued.

11 (c) The amount paid.

12 (d) The name of the entity providing the fingerprint services.

13 (e) The applicant's state-issued driver license or personal
14 identification card number.

15 (f) The statement "This receipt was issued for the purpose of
16 applying for a concealed pistol license. As provided in section 5b
17 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
18 disqualification is not issued within 45 days after the date this
19 receipt was issued, this receipt shall serve as a concealed pistol
20 license for the individual named in the receipt when carried with
21 an official state-issued driver license or personal identification
22 card. The receipt is valid as a license until a license or notice
23 of statutory disqualification is issued by the county clerk. This
24 receipt does not exempt the individual named in the receipt from
25 complying with all applicable laws for the purchase of firearms."

26 (10) The fingerprints shall be taken, under subsection (9), in
27 a manner prescribed by the department of state police. The

1 fingerprints taken by a county clerk, county sheriff, local police
2 agency, or other entity shall be immediately forwarded to the
3 department of state police for comparison with fingerprints already
4 on file with the department of state police. The department of
5 state police shall immediately forward the fingerprints to the
6 Federal Bureau of Investigation. Until November 30, 2015, within 10
7 days after receiving a report of the fingerprints from the Federal
8 Bureau of Investigation, the department of state police shall
9 provide a copy to the submitting sheriff's department or local
10 police agency as appropriate and the clerk of the appropriate
11 concealed weapon licensing board. Beginning December 1, 2015,
12 within 5 business days of completing the verification under
13 subsection (6), the department shall send the county clerk a list
14 of an applicant's statutory disqualifications under this act. Until
15 November 30, 2015, and except as provided in subsection (14), the
16 concealed weapon licensing board shall not issue a concealed pistol
17 license until it receives the fingerprint comparison report
18 prescribed in this subsection. Beginning December 1, 2015, and
19 except as provided in section 5a(4), the county clerk shall not
20 issue a concealed pistol license until he or she receives the
21 report of statutory disqualifications prescribed in this
22 subsection. Beginning December 1, 2015, if an individual's
23 fingerprints are not classifiable, the department of state police
24 shall, at no charge, take the individual's fingerprints again or
25 provide for the comparisons under this subsection to be conducted
26 through alternative means. Until November 30, 2015, the concealed
27 weapon licensing board may deny a license if an individual's

1 fingerprints are not classifiable by the Federal Bureau of
2 Investigation. Beginning December 1, 2015, the county clerk shall
3 not issue a notice of statutory disqualification because an
4 individual's fingerprints are not classifiable by the Federal
5 Bureau of Investigation.

6 (11) Until November 30, 2015, the concealed weapon licensing
7 board shall deny a license to an applicant to carry a concealed
8 pistol if the applicant is not qualified under subsection (7) to
9 receive that license. Beginning December 1, 2015, the county clerk
10 shall send by first-class mail a notice of statutory
11 disqualification for a license under this act to an applicant if
12 the applicant is not qualified under subsection (7) to receive that
13 license.

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

17 (13) Until November 30, 2015, and subject to subsections (10)
18 and (14), the concealed weapon licensing board shall issue or deny
19 issuance of a license within 45 days after the concealed weapon
20 licensing board receives the fingerprint comparison report provided
21 under subsection (10). Beginning December 1, 2015, and subject to
22 subsection (10), the department of state police shall complete the
23 verification required under subsection (6) and the county clerk
24 shall issue a license or a notice of statutory disqualification
25 within 45 days after the date the applicant has classifiable
26 fingerprints taken under subsection (9). Beginning December 1,
27 2015, the county clerk shall include an indication on the license

1 if an individual is exempt from the prohibitions against carrying a
2 concealed pistol on premises described in section 5o if the
3 applicant provides acceptable proof that he or she qualifies for
4 that exemption. Until November 30, 2015, if the concealed weapon
5 licensing board denies issuance of a license to carry a concealed
6 pistol, or beginning December 1, 2015, if the county clerk issues a
7 notice of statutory disqualification, the concealed weapon
8 licensing board or the county clerk, as appropriate, shall within 5
9 business days do all of the following:

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

13 (i) Until November 30, 2015, a statement of the specific and
14 articulable facts supporting the denial. Beginning December 1,
15 2015, a statement of each statutory disqualification identified.

16 (ii) Until November 30, 2015, copies of any writings,
17 photographs, records, or other documentary evidence upon which the
18 denial is based. Beginning December 1, 2015, the source of the
19 record for each statutory disqualification identified.

20 (iii) Beginning December 1, 2015, the contact information for
21 the source of the record for each statutory disqualification
22 identified.

23 (b) Inform the applicant in writing of his or her right to
24 appeal the denial or notice of statutory disqualification to the
25 circuit court as provided in section 5d.

26 (c) Beginning December 1, 2015, inform the applicant that he
27 or she should contact the source of the record for any statutory

1 disqualification to correct any errors in the record resulting in
2 the statutory disqualification.

3 (14) Until November 30, 2015, if the fingerprint comparison
4 report is not received by the concealed weapon licensing board
5 within 60 days after the fingerprint report is forwarded to the
6 department of state police by the Federal Bureau of Investigation,
7 the concealed weapon licensing board shall issue a temporary
8 license to carry a concealed pistol to the applicant if the
9 applicant is otherwise qualified for a license. Until November 30,
10 2015, a temporary license issued under this section is valid for
11 180 days or until the concealed weapon licensing board receives the
12 fingerprint comparison report provided under subsection (10) and
13 issues or denies issuance of a license to carry a concealed pistol
14 as otherwise provided under this act. Until November 30, 2015, upon
15 issuance or the denial of issuance of the license to carry a
16 concealed pistol to an applicant who received a temporary license
17 under this section, the applicant shall immediately surrender the
18 temporary license to the concealed weapon licensing board that
19 issued that temporary license. Beginning December 1, 2015, if a
20 license or notice of statutory disqualification is not issued under
21 subsection (13) within 45 days after the date the applicant has
22 classifiable fingerprints taken under subsection (9), the receipt
23 issued under subsection (9) shall serve as a concealed pistol
24 license for purposes of this act when carried with a state-issued
25 driver license or personal identification card and is valid until a
26 license or notice of statutory disqualification is issued by the
27 county clerk.

1 (15) If an individual licensed under this act to carry a
2 concealed pistol moves to a different county within this state, his
3 or her license remains valid until it expires or is otherwise
4 suspended or revoked under this act. Beginning December 1, 2015, an
5 individual may notify a county clerk that he or she has moved to a
6 different address within this state for the purpose of receiving
7 the notice under section 5/(1). A license to carry a concealed
8 pistol that is lost, stolen, or defaced may be replaced by the
9 issuing county clerk for a replacement fee of \$10.00. A county
10 clerk shall deposit a replacement fee under this subsection in the
11 concealed pistol licensing fund of that county created in section
12 5x.

13 (16) If a license issued under this act is suspended or
14 revoked, the license is forfeited and the individual shall return
15 the license to the county clerk forthwith by mail or in person.
16 Beginning December 1, 2015, the county clerk shall retain a
17 suspended or revoked license as an official record 1 year after the
18 expiration of the license, unless the license is reinstated or a
19 new license is issued. Beginning December 1, 2015, the county clerk
20 shall notify the department of state police if a license is
21 suspended or revoked. Beginning December 1, 2015, the department of
22 state police shall enter that suspension or revocation into the law
23 enforcement information network. An individual who fails to return
24 a license as required under this subsection after he or she was
25 notified that his or her license was suspended or revoked is guilty
26 of a misdemeanor punishable by imprisonment for not more than 93
27 days or a fine of not more than \$500.00, or both.

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

7 (18) This section does not prohibit the county clerk from
8 making public and distributing to the public at no cost lists of
9 individuals who are certified as qualified instructors as
10 prescribed under section 5j.

11 (19) Beginning December 1, 2015, a county clerk issuing an
12 initial license or renewal license under this act shall mail the
13 license to the licensee by first-class mail in a sealed envelope.
14 Beginning December 1, 2015, upon payment of the fee under
15 subsection (15), a county clerk shall issue a replacement license
16 in person at the time of application for a replacement license
17 unless the applicant requests that it be delivered by first-class
18 mail.

19 (20) A county clerk, county sheriff, county prosecuting
20 attorney, police department, or the department of state police is
21 not liable for civil damages as a result of the issuance of a
22 license under this act to an individual who later commits a crime
23 or a negligent act.

24 (21) Beginning December 1, 2015, an individual licensed under
25 this act to carry a concealed pistol may voluntarily surrender that
26 license without explanation. Beginning December 1, 2015, a county
27 clerk shall retain a surrendered license as an official record for

1 1 year after the license is surrendered. Beginning December 1,
2 2015, if an individual voluntarily surrenders a license under this
3 subsection, the county clerk shall notify the department of state
4 police. Beginning December 1, 2015, the department of state police
5 shall enter into the law enforcement information network that the
6 license was voluntarily surrendered and the date the license was
7 voluntarily surrendered.

8 (22) As used in this section:

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

10 (i) For a retired police officer or retired law enforcement
11 officer, the officer's retired identification or a letter from a
12 law enforcement agency stating that the retired police officer or
13 law enforcement officer retired in good standing.

14 (ii) For an individual who is employed or contracted by an
15 entity described under section 50(1) to provide security services,
16 a letter from that entity stating that the employee is required by
17 his or her employer or the terms of a contract to carry a concealed
18 firearm on the premises of the employing or contracting entity and
19 his or her employee identification.

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

24 (iv) For an individual who is a corrections officer of a county
25 sheriff's department, his or her employee identification.

26 (v) For an individual who is a motor carrier officer or
27 capitol security officer of the department of state police, his or

1 her employee identification.

2 (vi) For an individual who is a member of a sheriff's posse,
3 his or her identification.

4 (vii) For an individual who is an auxiliary officer or reserve
5 officer of a police or sheriff's department, his or her employee
6 identification.

7 (viii) For an individual who is a parole or probation officer of
8 the department of corrections, his or her employee identification.

9 (ix) For a state court judge or state court retired judge, a
10 letter from the judicial tenure commission stating that the state
11 court judge or state court retired judge is in good standing.

12 (x) For an individual who is a court officer, his or her
13 employee identification.

14 (xi) **FOR A RETIRED FEDERAL LAW ENFORCEMENT OFFICER, THE**
15 **IDENTIFICATION REQUIRED UNDER THE LAW ENFORCEMENT OFFICERS SAFETY**
16 **ACT OR A LETTER FROM A LAW ENFORCEMENT AGENCY STATING THAT THE**
17 **RETIRED FEDERAL LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING.**

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

24 (c) "Felony" means, except as otherwise provided in this
25 subdivision, that term as defined in section 1 of chapter I of the
26 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
27 of a law of the United States or another state that is designated

1 as a felony or that is punishable by death or by imprisonment for
2 more than 1 year. Felony does not include a violation of a penal
3 law of this state that is expressly designated as a misdemeanor.

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

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

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

17 Sec. 50. (1) Subject to subsection (5), an individual licensed
18 under this act to carry a concealed pistol, or who is exempt from
19 licensure under section 12a(1)(h), shall not carry a concealed
20 pistol on the premises of any of the following:

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

1 (b) A public or private child care center or day care center,
2 public or private child caring institution, or public or private
3 child placing agency.

4 (c) A sports arena or stadium.

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

18 (e) Any property or facility owned or operated by a church,
19 synagogue, mosque, temple, or other place of worship, unless the
20 presiding official or officials of the church, synagogue, mosque,
21 temple, or other place of worship permit the carrying of concealed
22 pistol on that property or facility.

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

1 (g) A hospital.

2 (h) A dormitory or classroom of a community college, college,
3 or university.

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

7 (3) An individual licensed under this act to carry a concealed
8 pistol, or who is exempt from licensure under section 12a(1)(h),
9 shall not carry a concealed pistol in violation of R 432.1212 or a
10 successor rule of the Michigan administrative code promulgated
11 under the Michigan gaming control and revenue act, 1996 IL 1, MCL
12 432.201 to 432.226.

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

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

17 (a) An individual licensed under this act who is a retired
18 police officer, ~~or~~ retired law enforcement officer, **OR RETIRED**
19 **FEDERAL LAW ENFORCEMENT OFFICER.**

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

25 (c) An individual who is licensed as a private investigator or
26 private detective under the professional investigator licensure
27 act, 1965 PA 285, MCL 338.821 to 338.851.

1 (d) An individual who is licensed under this act and who is a
2 corrections officer of a county sheriff's department.

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

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

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

11 (h) An individual who is licensed under this act and who is a
12 parole or probation officer of the department of corrections.

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

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

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

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

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

27 (c) For a third or subsequent violation, the individual is

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

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.