

# HOUSE BILL No. 4593

May 13, 2015, Introduced by Reps. Hughes, Leutheuser, Glenn, Rendon and Vaupel and referred to the Committee on Appropriations.

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 5b and 5l (MCL 28.425b and 28.425l), as

amended by 2015 PA 3.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5b. (1) Until November 30, 2015, to obtain a license to  
2       carry a concealed pistol, an individual shall apply to the  
3       concealed weapon licensing board in the county in which that

1 individual resides. Beginning December 1, 2015, to obtain a license  
2 to carry a concealed pistol, an individual shall apply to the  
3 county clerk in the county in which the individual resides. The  
4 applicant shall file the application with the county clerk in the  
5 county in which the applicant resides during the county clerk's  
6 normal business hours. The application shall be on a form provided  
7 by the director of the department of state police. Until November  
8 30, 2015, the application shall allow the applicant to designate  
9 whether the applicant seeks a temporary license. Beginning December  
10 1, 2015, the application shall allow the applicant to designate  
11 whether the applicant seeks an emergency license. The application  
12 shall be signed under oath by the applicant. The oath shall be  
13 administered by the county clerk or his or her representative.  
14 Beginning December 1, 2015, not more than 1 application may be  
15 submitted under this subsection in any calendar year. Beginning  
16 December 1, 2015, an application under this subsection is not  
17 considered complete until an applicant submits all of the required  
18 information and fees and has fingerprints taken under subsection  
19 (9). Beginning December 1, 2015, an application under this  
20 subsection is considered withdrawn if an applicant does not have  
21 fingerprints taken under subsection (9) within 45 days of the date  
22 an application is filed under this subsection. Beginning December  
23 1, 2015, a completed application under this section expires 1 year  
24 from the date of application. Beginning December 1, 2015, the  
25 county clerk shall issue the applicant a receipt for his or her  
26 application at the time the application is submitted containing the  
27 name of the applicant, the applicant's state-issued driver license

1 or personal identification card number, the date and time the  
2 receipt is issued, the amount paid, the name of the county in which  
3 the receipt is issued, an impression of the county seal, and the  
4 statement, "This receipt was issued for the purpose of applying for  
5 a concealed pistol license and for obtaining fingerprints related  
6 to that application. This receipt does not authorize an individual  
7 to carry a concealed pistol in this state.". The application shall  
8 contain all of the following:

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

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

17 (c) Until November 30, 2015, a statement by the applicant  
18 authorizing the concealed weapon licensing board to access any  
19 record, including any medical record, pertaining to the applicant's  
20 qualifications for a license to carry a concealed pistol under this  
21 act. The applicant may request that information received by the  
22 concealed weapon licensing board under this subdivision be reviewed  
23 in a closed session. If the applicant requests that the session be  
24 closed, the concealed weapon licensing board shall close the  
25 session only for purposes of this subdivision. The applicant and  
26 his or her representative have the right to be present in the  
27 closed session. Beginning December 1, 2015, a statement by the

1 applicant authorizing the department of state police to access any  
2 record needed to perform the verification in subsection (6).

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

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

10 (i) Any felony.

11 (ii) A misdemeanor listed under subsection (7)(h) if the  
12 applicant was convicted of that misdemeanor in the 8 years  
13 immediately preceding the date of the application, or a misdemeanor  
14 listed under subsection (7)(i) if the applicant was convicted of  
15 that misdemeanor in the 3 years immediately preceding the date of  
16 the application.

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

19 (g) Until November 30, 2015, if the applicant seeks a  
20 temporary license, the facts supporting the issuance of that  
21 temporary license.

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

25 (i) Until November 30, 2015, a passport-quality photograph of  
26 the applicant provided by the applicant at the time of application.

27 Beginning December 1, 2015, if an applicant does not have a

1 digitized photograph on file with the secretary of state, a  
2 passport-quality photograph of the applicant provided by the  
3 applicant at the time of application.

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

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

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

19 (4) The county clerk shall retain a copy of each application  
20 for a license to carry a concealed pistol as an official record.  
21 One year after the expiration of a concealed pistol license, the  
22 county clerk may destroy the record and maintain only a name index  
23 of the record.

24 (5) ~~Until~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**  
25 **UNTIL** November 30, 2015, each applicant shall pay a nonrefundable  
26 application and licensing fee of \$105.00 by any method of payment  
27 accepted by that county for payments of other fees and penalties.

1 ~~Beginning~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**  
2 **BEGINNING** December 1, 2015, each applicant shall pay an application  
3 and licensing fee of \$100.00 by any method of payment accepted by  
4 that county for payments of other fees and penalties. Except as  
5 provided in subsection (9), no other charge, fee, cost, or  
6 assessment, including any local charge, fee, cost, or assessment,  
7 is required of the applicant except as specifically authorized in  
8 this act. The application and licensing fee shall be payable to the  
9 county. **A VETERAN SHALL NOT BE CHARGED AN APPLICATION AND LICENSING**  
10 **FEE UNDER THIS SUBSECTION.** Until November 30, 2015, the county  
11 treasurer shall deposit \$15.00 of each application and licensing  
12 fee collected under this section in the general fund of the county  
13 and credit that deposit to the credit of the county sheriff and  
14 deposit \$26.00 of each fee collected under this section in the  
15 concealed pistol licensing fund of that county created in section  
16 5x. Beginning December 1, 2015, the county treasurer shall deposit  
17 \$26.00 of each application and licensing fee collected under this  
18 section in the concealed pistol licensing fund of that county  
19 created in section 5x. The county treasurer shall forward the  
20 balance remaining to the state treasurer. The state treasurer shall  
21 deposit the balance of the fee in the general fund to the credit of  
22 the department of state police. The department of state police  
23 shall use the money received under this act to process the  
24 fingerprints and to reimburse the Federal Bureau of Investigation  
25 for the costs associated with processing fingerprints submitted  
26 under this act. The balance of the money received under this act  
27 shall be credited to the department of state police.

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

(a) The ~~person's~~ **INDIVIDUAL'S** home of record.

(b) Permanent active duty assignment in this state.

(7) Until November 30, 2015, the concealed weapon licensing board and, beginning December 1, 2015, the county clerk shall issue and shall send by first-class mail a license to an applicant to carry a concealed pistol within the period required under this act

1 if the concealed weapon licensing board or county clerk determines  
2 that all of the following circumstances exist:

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

4 (b) The applicant is a citizen of the United States or is an  
5 alien lawfully admitted into the United States, is a legal resident  
6 of this state, and has resided in this state for not less than the  
7 6 months immediately preceding the date of application. Until  
8 November 30, 2015, the concealed weapon licensing board may waive  
9 the 6-month residency requirement for a temporary license under  
10 section 5a(8) if the concealed weapon licensing board determines  
11 that there is probable cause to believe that the safety of the  
12 applicant or the safety of a member of the applicant's family is  
13 endangered by the applicant's inability to immediately obtain a  
14 license to carry a concealed pistol. Until November 30, 2015, if  
15 the applicant holds a valid concealed pistol license issued by  
16 another state at the time the applicant's residency in this state  
17 is established, the concealed weapon licensing board may waive the  
18 6-month waiting period and the applicant may apply for a concealed  
19 pistol license at the time the applicant's residency in this state  
20 is established. Until November 30, 2015, the concealed weapon  
21 licensing board shall immediately issue a temporary license to that  
22 applicant. Until November 30, 2015, the temporary license is valid  
23 until the concealed weapon licensing board decides whether to grant  
24 or deny the application. Beginning December 1, 2015, the county  
25 clerk shall waive the 6-month residency requirement for an  
26 emergency license under section 5a(4) if the applicant is a  
27 petitioner for a personal protection order issued under section



1 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,  
2 MCL 600.2950 and 600.2950a, or if the county sheriff determines  
3 that there is clear and convincing evidence to believe that the  
4 safety of the applicant or the safety of a member of the  
5 applicant's family or household is endangered by the applicant's  
6 inability to immediately obtain a license to carry a concealed  
7 pistol. Beginning December 1, 2015, if the applicant holds a valid  
8 concealed pistol license issued by another state at the time the  
9 applicant's residency in this state is established, the county  
10 clerk shall waive the 6-month waiting period and the applicant may  
11 apply for a concealed pistol license at the time the applicant's  
12 residency in this state is established. For the purposes of this  
13 section, ~~a person~~ **AN INDIVIDUAL** is considered a legal resident of  
14 this state if any of the following apply:

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

19 (ii) The ~~person~~ **INDIVIDUAL** is lawfully registered to vote in  
20 this state.

21 (iii) The ~~person~~ **INDIVIDUAL** is on active duty status with the  
22 United States armed forces and is stationed outside of this state,  
23 but the ~~person's~~ **INDIVIDUAL'S** home of record is in this state.

24 (iv) The ~~person~~ **INDIVIDUAL** is on active duty status with the  
25 United States armed forces and is permanently stationed in this  
26 state, but the ~~person's~~ **INDIVIDUAL'S** home of record is in another  
27 state.

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.

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

7 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
8 330.1464a.

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

11 (iii) Sections 2950 and 2950a of the revised judicature act of  
12 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

13 (iv) Section 6b of chapter V of the code of criminal  
14 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
15 imposed under section 6b(3) of chapter V of the code of criminal  
16 procedure, 1927 PA 175, MCL 765.6b.

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

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

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

27 (g) The applicant has not been dishonorably discharged from

1 the United States armed forces.

2 (h) The applicant has not been convicted of a misdemeanor  
3 violation of any of the following in the 8 years immediately  
4 preceding the date of application and a charge for a misdemeanor  
5 violation of any of the following is not pending against the  
6 applicant in this state or elsewhere at the time he or she applies  
7 for a license described in this section:

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

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

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

24 (iv) Section 10 of the motor fuels quality act, 1984 PA 44,  
25 MCL 290.650 (hindering, obstructing, assaulting, or committing  
26 bodily injury upon director or authorized representative).

27 (v) Section 80176 as punishable under section 80177(1)(b)

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

10 (vi) Section 7403 of the public health code, 1978 PA 368, MCL  
11 333.7403 (possession of controlled substance, controlled substance  
12 analogue, or prescription form).

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

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

19 (ix) Section 81 (assault or domestic assault), section 81a(1)  
20 or (2) (aggravated assault or aggravated domestic assault), section  
21 115 (breaking and entering or entering without breaking), section  
22 136b(7) (fourth degree child abuse), section 145n (vulnerable adult  
23 abuse), section 157b(3)(b) (solicitation to commit a felony),  
24 section 215 (impersonating peace officer or medical examiner),  
25 section 223 (illegal sale of a firearm or ammunition), section 224d  
26 (illegal use or sale of a self-defense spray), section 226a (sale  
27 or possession of a switchblade), section 227c (improper

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

24 (x) Former section 228 of the Michigan penal code, 1931 PA  
25 328.

26 (xi) Section 1 (reckless, careless, or negligent use of a  
27 firearm resulting in injury or death), section 2 (careless,

1 reckless, or negligent use of a firearm resulting in property  
2 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
3 45, MCL 752.861, 752.862, and 752.863a.

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

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

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

23 (ii) Section 185 of the aeronautics code of the state of  
24 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the  
25 influence).

26 (iii) Section 81134 (operating ORV under the influence or  
27 operating ORV while visibly impaired), or section 82127 (operating

1 a snowmobile under the influence) of the natural resources and  
2 environmental protection act, 1994 PA 451, MCL 324.81134 and  
3 324.82127.

4 (iv) Part 74 of the public health code, 1978 PA 368, MCL  
5 333.7401 to 333.7461 (controlled substance violation).

6 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL  
7 462.353, punishable under subsection (3) of that section (operating  
8 locomotive under the influence).

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

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

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

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

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

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

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

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

26 (9) An individual, after submitting an application and paying  
27 the fee prescribed under subsection (5), shall request that



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

1 police, county sheriff, local police agency, or other entity shall  
2 not provide a receipt under this subsection unless the individual  
3 requesting the fingerprints provides an application receipt  
4 received under subsection (1). Beginning December 1, 2015, a  
5 receipt under this subsection shall contain all of the following:

6 (a) The name of the applicant.

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

8 (c) The amount paid.

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

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

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

23 (10) The fingerprints shall be taken, under subsection (9), in  
24 a manner prescribed by the department of state police. The  
25 fingerprints taken by a county clerk, county sheriff, local police  
26 agency, or other entity shall be immediately forwarded to the  
27 department of state police for comparison with fingerprints already

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

1 individual's fingerprints are not classifiable by the Federal  
2 Bureau of Investigation.

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

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

14 (13) Until November 30, 2015, and subject to subsections (10)  
15 and (14), the concealed weapon licensing board shall issue or deny  
16 issuance of a license within 45 days after the concealed weapon  
17 licensing board receives the fingerprint comparison report provided  
18 under subsection (10). Beginning December 1, 2015, and subject to  
19 subsection (10), the department of state police shall complete the  
20 verification required under subsection (6) and the county clerk  
21 shall issue a license or a notice of statutory disqualification  
22 within 45 days after the date the applicant has classifiable  
23 fingerprints taken under subsection (9). Beginning December 1,  
24 2015, the county clerk shall include an indication on the license  
25 if an individual is exempt from the prohibitions against carrying a  
26 concealed pistol on premises described in section 50 if the  
27 applicant provides acceptable proof that he or she qualifies for

1 that exemption. Until November 30, 2015, if the concealed weapon  
2 licensing board denies issuance of a license to carry a concealed  
3 pistol, or beginning December 1, 2015, if the county clerk issues a  
4 notice of statutory disqualification, the concealed weapon  
5 licensing board or the county clerk, as appropriate, shall within 5  
6 business days do all of the following:

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

10 (i) Until November 30, 2015, a statement of the specific and  
11 articulable facts supporting the denial. Beginning December 1,  
12 2015, a statement of each statutory disqualification identified.

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

17 (iii) Beginning December 1, 2015, the contact information for  
18 the source of the record for each statutory disqualification  
19 identified.

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

23 (c) Beginning December 1, 2015, inform the applicant that he  
24 or she should contact the source of the record for any statutory  
25 disqualification to correct any errors in the record resulting in  
26 the statutory disqualification.

27 (14) Until November 30, 2015, if the fingerprint comparison

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

25 (15) If an individual licensed under this act to carry a  
26 concealed pistol moves to a different county within this state, his  
27 or her license remains valid until it expires or is otherwise

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

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

25 (17) An applicant or an individual licensed under this act to  
26 carry a concealed pistol may be furnished a copy of his or her  
27 application under this section upon request and the payment of a

1 reasonable fee not to exceed \$1.00. The county clerk shall deposit  
2 any fee collected under this subsection in the concealed pistol  
3 licensing fund of that county created in section 5x.

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

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

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

21 (21) Beginning December 1, 2015, an individual licensed under  
22 this act to carry a concealed pistol may voluntarily surrender that  
23 license without explanation. Beginning December 1, 2015, a county  
24 clerk shall retain a surrendered license as an official record for  
25 1 year after the license is surrendered. Beginning December 1,  
26 2015, if an individual voluntarily surrenders a license under this  
27 subsection, the county clerk shall notify the department of state



1 police. Beginning December 1, 2015, the department of state police  
2 shall enter into the law enforcement information network that the  
3 license was voluntarily surrendered and the date the license was  
4 voluntarily surrendered.

5 (22) As used in this section:

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

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

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

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

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

23 (v) For an individual who is a motor carrier officer or  
24 capitol security officer of the department of state police, his or  
25 her employee identification.

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

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

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

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

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

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

18          (c) "Felony" means, except as otherwise provided in this  
19 subdivision, that term as defined in section 1 of chapter I of the  
20 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
21 of a law of the United States or another state that is designated  
22 as a felony or that is punishable by death or by imprisonment for  
23 more than 1 year. Felony does not include a violation of a penal  
24 law of this state that is expressly designated as a misdemeanor.

25          (d) "Mental illness" means a substantial disorder of thought  
26 or mood that significantly impairs judgment, behavior, capacity to  
27 recognize reality, or ability to cope with the ordinary demands of

1 life, and includes, but is not limited to, clinical depression.

2 (e) "Misdemeanor" means a violation of a penal law of this  
3 state or violation of a local ordinance substantially corresponding  
4 to a violation of a penal law of this state that is not a felony or  
5 a violation of an order, rule, or regulation of a state agency that  
6 is punishable by imprisonment or a fine that is not a civil fine,  
7 or both.

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

11 (G) "VETERAN" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1965  
12 PA 190, MCL 35.61.

13 Sec. 5/. (1) A license to carry a concealed pistol, including  
14 a renewal license, is valid until the applicant's date of birth  
15 that falls not less than 4 years or more than 5 years after the  
16 license is issued or renewed, as applicable. Beginning December 1,  
17 2015, the county clerk shall notify the licensee that his or her  
18 license is about to expire and may be renewed as provided in this  
19 section. The notification shall be sent by the county clerk to the  
20 last known address of the licensee as shown on the records of the  
21 county clerk. The notification shall be sent in a sealed envelope  
22 by first-class mail not less than 3 months or more than 6 months  
23 before the expiration date of the current license. Except as  
24 provided in this section, a renewal of a license under section 5b  
25 shall be issued in the same manner as an original license issued  
26 under section 5b. Beginning December 1, 2015, an applicant is  
27 eligible for a renewal of a license under this section if his or

1 her license is not expired, or expired within a 1-year period  
 2 before the date of application under this section. ~~Beginning~~**EXCEPT**  
 3 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, BEGINNING** December 1,  
 4 2015, each applicant who submits an application for a renewal  
 5 license to a county clerk under this section shall pay an  
 6 application and licensing fee of \$115.00 by any method of payment  
 7 accepted by that county for payments of other fees and penalties.  
 8 No other charge, fee, cost, or assessment, including any local  
 9 charge, fee, cost, or assessment, is required of the applicant  
 10 except as specifically authorized in this act. The application and  
 11 licensing fee shall be payable to the county. **A VETERAN SHALL NOT**  
 12 **BE CHARGED AN APPLICATION AND LICENSING FEE UNDER THIS SUBSECTION.**  
 13 The county treasurer shall deposit \$36.00 of each fee collected  
 14 under this subsection in the concealed pistol licensing fund of  
 15 that county created in section 5x. The county treasurer shall  
 16 forward the balance remaining to the state treasurer. The state  
 17 treasurer shall deposit the balance of the fee in the general fund  
 18 to the credit of the department of state police.

19 (2) Subject to subsections (8) and (9), an application to  
 20 renew a license to carry a concealed pistol may be submitted not  
 21 more than 6 months before the expiration of the current license. No  
 22 later than December 1, 2018, the department of state police shall  
 23 provide a system for an applicant to submit his or her application  
 24 to renew a license to carry a concealed pistol online or by first-  
 25 class mail and shall accept those applications on behalf of the  
 26 county clerk as required under this act at no additional charge.  
 27 ~~Each~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, EACH**

1 applicant who submits a renewal license online or by first-class  
2 mail to the department of state police under this section shall pay  
3 an application and licensing fee of \$115.00 by any method of  
4 payment accepted by the department of state police. No other  
5 charge, fee, cost, or assessment is required of the applicant  
6 except as specifically authorized in this act. The application and  
7 licensing fee shall be payable to the state. **A VETERAN SHALL NOT BE**  
8 **CHARGED AN APPLICATION AND LICENSING FEE UNDER THIS SUBSECTION.** The  
9 state treasurer shall forward \$36.00 of each fee collected under  
10 this subsection to the county treasurer who shall deposit the  
11 \$36.00 in the concealed pistol licensing fund of that county  
12 created in section 5x. The state treasurer shall deposit the  
13 balance of the fee in the general fund to the credit of the  
14 department of state police. The department of state police shall  
15 notify the county clerk of the county in which the applicant  
16 resides of a properly submitted online application or application  
17 by first-class mail received by the department. Beginning December  
18 1, 2015, if the county clerk issues a renewal license under this  
19 section, the county clerk shall send the license to the licensee by  
20 first-class mail in a sealed envelope. If the concealed weapon  
21 licensing board approves or county clerk issues the renewal, the  
22 effective date of the renewal license is the date of expiration of  
23 the current license or the date of approval or issue of the  
24 renewal, whichever is later, and the date of expiration is the  
25 applicant's date of birth which is not less than 4 years or more  
26 than 5 years from the effective date of the license.

27 (3) Until November 30, 2015, the concealed weapon licensing

1 board shall issue or deny issuance of a renewal license within 60  
2 days after the application for renewal is properly submitted. The  
3 county clerk shall issue the applicant a receipt for his or her  
4 renewal application at the time the application is submitted to the  
5 county clerk. Beginning December 1, 2015, the department of state  
6 police shall complete the verification required under section 5b(6)  
7 and the county clerk shall issue a renewal license or a notice of  
8 statutory disqualification within 30 days after the date the  
9 renewal application was received. Beginning on the date the  
10 department of state police establishes a system under subsection  
11 (2), the department of state police shall provide an applicant a  
12 digital receipt, or a receipt by first-class mail if requested, for  
13 his or her renewal application submitted online at the time the  
14 application is received by the department of state police.  
15 Beginning on the date the department of state police establishes a  
16 system under subsection (2), the department of state police shall  
17 mail an applicant a receipt by first-class mail for his or her  
18 renewal application submitted by first-class mail at the time the  
19 application is received by the department of state police. The  
20 receipt issued under this subsection shall contain all of the  
21 following:

22 (a) The name of the applicant.

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

24 (c) The amount paid.

25 (d) Beginning December 1, 2015, the applicant's state-issued  
26 driver license or personal identification card number.

27 (e) Until November 30, 2015, the statement that the receipt is

1 for a license renewal. Beginning December 1, 2015, the statement  
2 "This receipt was issued for the purpose of renewal of a concealed  
3 pistol license. As provided in section 5/ of 1927 PA 372, MCL  
4 28.425/, this receipt shall serve as a concealed pistol license for  
5 the individual named in the receipt when carried with the expired  
6 license and is valid until a license or notice of statutory  
7 disqualification is issued by the county clerk. This receipt does  
8 not exempt the individual named in the receipt from complying with  
9 all applicable laws for the purchase of firearms.".

10 (f) Until November 30, 2015, a statement of whether the  
11 applicant qualifies for an extension under subsection (5).

12 (g) The name of the county in which the receipt is issued, if  
13 applicable.

14 (h) An impression of the county seal, if applicable.

15 (4) Until November 30, 2018, a member of the United States  
16 armed forces, the United States armed forces reserve, or the  
17 Michigan National Guard who is on orders to a duty station outside  
18 of this state may submit his or her application to renew a license  
19 to carry a concealed pistol by first-class mail, containing the  
20 required fee, a notarized application, the licensee's address of  
21 record within the state, the licensee's orders to report to a duty  
22 station outside of this state, and if the licensee desires to have  
23 his or her application receipt, renewal license, or any other  
24 notices mailed to his or her address of assignment or deployment, a  
25 letter requesting that action including the address of assignment  
26 or deployment. If the concealed weapon licensing board approves or  
27 a county clerk issues a renewal license under this section, the

1 county clerk shall send the license to the licensee by first-class  
2 mail in a sealed envelope. If the licensee is a member of the  
3 United States armed forces, the United States armed forces reserve,  
4 or the Michigan National Guard who is on orders to a duty station  
5 outside of this state and requests that his or her license be sent  
6 to the address of assignment or deployment, the county clerk shall  
7 mail the license to the licensee at the address of assignment or  
8 deployment provided in the renewal application. Until November 30,  
9 2018, if a renewal application is submitted by a member of the  
10 United States armed forces, the United States armed forces reserve,  
11 or the Michigan National Guard who is on orders to a duty station  
12 outside of this state, the county clerk shall mail a receipt to the  
13 licensee by first-class mail.

14 (5) Until November 30, 2015, if the concealed weapon licensing  
15 board fails to deny or issue a renewal license to the ~~person~~  
16 **INDIVIDUAL** within 60 days as required under subsection (4), the  
17 expiration date of the current license is extended by 180 days or  
18 until the renewal license is issued, whichever occurs first. This  
19 subsection does not apply unless the ~~person~~**INDIVIDUAL** pays the  
20 renewal fee at the time the renewal application is submitted and  
21 the ~~person~~**INDIVIDUAL** has submitted a receipt from a police agency  
22 that confirms that a background check has been requested by the  
23 applicant. Beginning December 1, 2015, if an individual applies for  
24 a renewal license before the expiration of his or her license, the  
25 expiration date of the current license is extended until the  
26 renewal license or notice of statutory disqualification is issued.  
27 Beginning December 1, 2015, the county clerk shall notify the



1 department of state police in a manner prescribed by the department  
2 of state police after he or she receives an application for  
3 renewal. Beginning December 1, 2015, the department of state police  
4 shall immediately enter into the law enforcement information  
5 network the date that application for renewal was submitted and  
6 that the renewal application is pending.

7 (6) ~~A person~~ **AN INDIVIDUAL** carrying a concealed pistol after  
8 the expiration date of his or her license under an extension under  
9 subsection (5) shall keep the receipt issued by the county clerk  
10 under subsection (3) and his or her expired license in his or her  
11 possession at all times that he or she is carrying the pistol. For  
12 the purposes of this act, the receipt is considered to be part of  
13 the license to carry a concealed pistol until a renewal license is  
14 issued or denied or a notice of statutory disqualification is  
15 issued.

16 (7) The educational requirements under section 5b(7)(c) are  
17 waived for an applicant who is a retired police officer or retired  
18 law enforcement officer.

19 (8) The educational requirements under section 5b(7)(c) for an  
20 applicant who is applying for a renewal of a license under this act  
21 are waived except that the applicant shall certify that he or she  
22 has completed at least 3 hours' review of the training described  
23 under section 5b(7)(c) and has had at least 1 hour of firing range  
24 time in the 6 months immediately preceding the subsequent  
25 application. Beginning December 1, 2015, the educational and firing  
26 range requirements of this subsection are met if the applicant  
27 certifies on the renewal application form that he or she has

1 complied with the requirements of this subsection. Beginning  
2 December 1, 2015, an applicant is not required to verify the  
3 statements made under this subsection and is not required to obtain  
4 a certificate or undergo training other than as required by this  
5 subsection.

6 (9) An applicant who is applying for a renewal of a license  
7 issued under section 5b is not required to have fingerprints taken  
8 again under section 5b(9) if all of the following conditions have  
9 been met:

10 (a) There has been established a system for the department of  
11 state police to save and maintain in its automated fingerprint  
12 identification system (AFIS) database all fingerprints that are  
13 submitted to the department of state police under section 5b.

14 (b) The applicant's fingerprints have been submitted to and  
15 maintained by the department of state police as described in  
16 subdivision (a) for ongoing comparison with the automated  
17 fingerprint identification system (AFIS) database.

18 **(10) AS USED IN THIS SECTION, "VETERAN" MEANS THAT TERM AS**  
19 **DEFINED IN SECTION 1 OF 1965 PA 190, MCL 35.61.**

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