

HOUSE BILL No. 4773

July 14, 2015, Introduced by Reps. Gamrat, Courser and Glenn and referred to the Committee on Judiciary.

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, 12, and 15 (MCL 28.425b, 28.432, and 28.435), section 5b as amended by 2015 PA 16, section 12 as amended by 2010 PA 209, and section 15 as added by 2000 PA 265.

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

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21 subsection is considered withdrawn if an applicant does not have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

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

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

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

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

1 closed session. Beginning December 1, 2015, a statement by the
2 applicant authorizing the department of state police to access any
3 record needed to perform the verification in subsection (6).

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

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

11 (i) Any felony.

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

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

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

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

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

1 Beginning December 1, 2015, if an applicant does not have a
2 digitized photograph on file with the secretary of state, a
3 passport-quality photograph of the applicant provided by the
4 applicant at the time of application.

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

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

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

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

25 (5) Until November 30, 2015, each applicant shall pay a
26 nonrefundable application and licensing fee of \$105.00 by any
27 method of payment accepted by that county for payments of other

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

26 (6) Until November 30, 2015, the county sheriff on behalf of
27 the concealed weapon licensing board shall verify the requirements

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

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

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

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

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

2 (b) The applicant is a citizen of the United States or is an
3 alien lawfully admitted into the United States, is a legal resident
4 of this state, and has resided in this state for not less than the
5 6 months immediately preceding the date of application. Until
6 November 30, 2015, the concealed weapon licensing board may waive
7 the 6-month residency requirement for a temporary license under
8 section 5a(8) if the concealed weapon licensing board determines
9 that there is probable cause to believe that the safety of the
10 applicant or the safety of a member of the applicant's family is
11 endangered by the applicant's inability to immediately obtain a
12 license to carry a concealed pistol. Until November 30, 2015, if
13 the applicant holds a valid concealed pistol license issued by
14 another state at the time the applicant's residency in this state
15 is established, the concealed weapon licensing board may waive the
16 6-month waiting period and the applicant may apply for a concealed
17 pistol license at the time the applicant's residency in this state
18 is established. Until November 30, 2015, the concealed weapon
19 licensing board shall immediately issue a temporary license to that
20 applicant. Until November 30, 2015, the temporary license is valid
21 until the concealed weapon licensing board decides whether to grant
22 or deny the application. Beginning December 1, 2015, the county
23 clerk shall waive the 6-month residency requirement for an
24 emergency license under section 5a(4) if the applicant is a
25 petitioner for a personal protection order issued under section
26 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.2950 and 600.2950a, or if the county sheriff determines

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

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

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

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

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

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

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

3 (i) Section 464a of the mental health code, 1974 PA 258, MCL
4 330.1464a.

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

7 (iii) Sections 2950 and 2950a of the revised judicature act of
8 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

9 (iv) Section 6b of chapter V of the code of criminal
10 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
11 imposed under section 6b(3) of chapter V of the code of criminal
12 procedure, 1927 PA 175, MCL 765.6b.

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

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

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

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

25 (h) The applicant has not been convicted of a misdemeanor
26 violation of any of the following in the 8 years immediately
27 preceding the date of application and a charge for a misdemeanor

1 violation of any of the following is not pending against the
2 applicant in this state or elsewhere at the time he or she applies
3 for a license described in this section:

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

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

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

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

23 (v) Section 80176 as punishable under section 80177(1)(b)
24 (operating vessel under the influence of intoxicating liquor or a
25 controlled substance, second offense), section 81134 as punishable
26 under subsection (8)(b) of that section (operating ORV under the
27 influence of intoxicating liquor or a controlled substance, second

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

6 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
7 333.7403 (possession of controlled substance, controlled substance
8 analogue, or prescription form).

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

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

15 (ix) Section 81 (assault or domestic assault), section 81a(1)
16 or (2) (aggravated assault or aggravated domestic assault), section
17 115 (breaking and entering or entering without breaking), section
18 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
19 abuse), section 157b(3)(b) (solicitation to commit a felony),
20 section 215 (impersonating peace officer or medical examiner),
21 ~~section 223 (illegal sale of a firearm or ammunition),~~ section 224d
22 (illegal use or sale of a self-defense spray), section 226a (sale
23 or possession of a switchblade), ~~section 227c (improper~~
24 ~~transportation of a loaded firearm),~~ section 229 (accepting a
25 pistol in pawn), section 232 (failure to register the purchase of a
26 firearm or a firearm component), ~~section 232a (improperly obtaining~~
27 ~~a pistol, making a false statement on an application to purchase a~~

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

20 (x) Former section **223, 227C, 228, 232A, OR 234D** of the
 21 Michigan penal code, 1931 PA 328.

22 (xi) Section 1 (reckless, careless, or negligent use of a
 23 firearm resulting in injury or death), section 2 (careless,
 24 reckless, or negligent use of a firearm resulting in property
 25 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
 26 45, MCL 752.861, 752.862, and 752.863a.

27 (xii) A violation of a law of the United States, another

1 state, or a local unit of government of this state or another state
2 substantially corresponding to a violation described in
3 subparagraphs (i) to (xi).

4 (i) The applicant has not been convicted of a misdemeanor
5 violation of any of the following in the 3 years immediately
6 preceding the date of application unless the misdemeanor violation
7 is listed under subdivision (h) 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 625 (operating under the influence), section 625a
12 (refusal of commercial vehicle operator to submit to a chemical
13 test), section 625k (ignition interlock device reporting
14 violation), section 625l (circumventing an ignition interlock
15 device), or section 625m punishable under subsection (3) of that
16 section (operating a commercial vehicle with alcohol content) of
17 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
18 257.625k, 257.625l, and 257.625m.

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

22 (iii) Section 81134 (operating ORV under the influence or
23 operating ORV while visibly impaired), or section 82127 (operating
24 a snowmobile under the influence) of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.81134 and
26 324.82127.

27 (iv) Part 74 of the public health code, 1978 PA 368, MCL

1 333.7401 to 333.7461 (controlled substance violation).

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

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

17 (vii) A violation of a law of the United States, another
18 state, or a local unit of government of this state or another state
19 substantially corresponding to a violation described in
20 subparagraphs (i) to (vi).

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

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

27 (l) The applicant has filed a statement under subsection

1 (1)(d) that the applicant does not have a diagnosis of mental
2 illness that includes an assessment that the individual presents a
3 danger to himself or herself or to another at the time the
4 application is made, regardless of whether he or she is receiving
5 treatment for that illness.

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

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

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

22 (9) An individual, after submitting an application and paying
23 the fee prescribed under subsection (5), shall request that
24 classifiable fingerprints be taken by the county clerk, department
25 of state police, county sheriff, a local police agency, or other
26 entity, if the county clerk, department of state police, county
27 sheriff, local police agency, or other entity provides

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

1 receipt under this subsection shall contain all of the following:

2 (a) The name of the applicant.

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

4 (c) The amount paid.

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

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

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

19 (10) The fingerprints shall be taken, under subsection (9), in
20 a manner prescribed by the department of state police. The
21 fingerprints taken by a county clerk, county sheriff, local police
22 agency, or other entity shall be immediately forwarded to the
23 department of state police for comparison with fingerprints already
24 on file with the department of state police. The department of
25 state police shall immediately forward the fingerprints to the
26 Federal Bureau of Investigation. Until November 30, 2015, within 10
27 days after receiving a report of the fingerprints from the Federal

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

26 (11) Until November 30, 2015, the concealed weapon licensing
27 board shall deny a license to an applicant to carry a concealed

1 pistol if the applicant is not qualified under subsection (7) to
2 receive that license. Beginning December 1, 2015, the county clerk
3 shall send by first-class mail a notice of statutory
4 disqualification for a license under this act to an applicant if
5 the applicant is not qualified under subsection (7) to receive that
6 license.

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

10 (13) Until November 30, 2015, and subject to subsections (10)
11 and (14), the concealed weapon licensing board shall issue or deny
12 issuance of a license within 45 days after the concealed weapon
13 licensing board receives the fingerprint comparison report provided
14 under subsection (10). Beginning December 1, 2015, and subject to
15 subsection (10), the department of state police shall complete the
16 verification required under subsection (6) and the county clerk
17 shall issue a license or a notice of statutory disqualification
18 within 45 days after the date the applicant has classifiable
19 fingerprints taken under subsection (9). Beginning December 1,
20 2015, the county clerk shall include an indication on the license
21 if an individual is exempt from the prohibitions against carrying a
22 concealed pistol on premises described in section 5o if the
23 applicant provides acceptable proof that he or she qualifies for
24 that exemption. Until November 30, 2015, if the concealed weapon
25 licensing board denies issuance of a license to carry a concealed
26 pistol, or beginning December 1, 2015, if the county clerk issues a
27 notice of statutory disqualification, the concealed weapon

1 licensing board or the county clerk, as appropriate, shall within 5
2 business days do all of the following:

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

6 (i) Until November 30, 2015, a statement of the specific and
7 articulable facts supporting the denial. Beginning December 1,
8 2015, a statement of each statutory disqualification identified.

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

13 (iii) Beginning December 1, 2015, the contact information for
14 the source of the record for each statutory disqualification
15 identified.

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

19 (c) Beginning December 1, 2015, inform the applicant that he
20 or she should contact the source of the record for any statutory
21 disqualification to correct any errors in the record resulting in
22 the statutory disqualification.

23 (14) Until November 30, 2015, if the fingerprint comparison
24 report is not received by the concealed weapon licensing board
25 within 60 days after the fingerprint report is forwarded to the
26 department of state police by the Federal Bureau of Investigation,
27 the concealed weapon licensing board shall issue a temporary

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

21 (15) If an individual licensed under this act to carry a
22 concealed pistol moves to a different county within this state, his
23 or her license remains valid until it expires or is otherwise
24 suspended or revoked under this act. Beginning December 1, 2015, an
25 individual may notify a county clerk that he or she has moved to a
26 different address within this state for the purpose of receiving
27 the notice under section 5/(1). A license to carry a concealed

1 pistol that is lost, stolen, or defaced may be replaced by the
2 issuing county clerk for a replacement fee of \$10.00. A county
3 clerk shall deposit a replacement fee under this subsection in the
4 concealed pistol licensing fund of that county created in section
5 5x.

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

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

27 (18) This section does not prohibit the county clerk from

1 making public and distributing to the public at no cost lists of
2 individuals who are certified as qualified instructors as
3 prescribed under section 5j.

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

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

17 (21) Beginning December 1, 2015, an individual licensed under
18 this act to carry a concealed pistol may voluntarily surrender that
19 license without explanation. Beginning December 1, 2015, a county
20 clerk shall retain a surrendered license as an official record for
21 1 year after the license is surrendered. Beginning December 1,
22 2015, if an individual voluntarily surrenders a license under this
23 subsection, the county clerk shall notify the department of state
24 police. Beginning December 1, 2015, the department of state police
25 shall enter into the law enforcement information network that the
26 license was voluntarily surrendered and the date the license was
27 voluntarily surrendered.

1 (22) As used in this section:

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

3 (i) For a retired police officer or retired law enforcement
4 officer, the officer's retired identification or a letter from a
5 law enforcement agency stating that the retired police officer or
6 law enforcement officer retired in good standing.

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

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

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

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

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

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

27 (viii) For an individual who is a parole or probation officer

1 of the department of corrections, his or her employee
2 identification.

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

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

8 (xi) For a retired federal law enforcement officer, the
9 identification required under the law enforcement officers safety
10 act or a letter from a law enforcement agency stating that the
11 retired federal law enforcement officer retired in good standing.

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 Sec. 12. (1) Section 2 does not apply to any of the following:

12 (a) A police or correctional agency of the United States or of
13 this state or any subdivision of this state.

14 (b) The United States army, air force, navy, or marine corps.

15 (c) An organization authorized by law to purchase or receive
16 weapons from the United States or from this state.

17 (d) The national guard, armed forces reserves, or other duly
18 authorized military organization.

19 (e) A member of an entity or organization described in
20 subdivisions (a) through (d) for a pistol while engaged in the
21 course of his or her duties with that entity or while going to or
22 returning from those duties.

23 (f) A United States citizen holding a license to carry a
24 pistol concealed upon his or her person issued by another state.

25 (g) The regular and ordinary possession and transportation of
26 a pistol as merchandise by an authorized agent of a person licensed
27 to manufacture firearms or a licensed dealer.

1 (h) Purchasing, owning, carrying, possessing, using, or
2 transporting an antique firearm. ~~As used in this subdivision,~~
3 ~~"antique firearm" means that term as defined in section 231a of the~~
4 ~~Michigan penal code, 1931 PA 328, MCL 750.231a.~~

5 (i) An individual carrying, possessing, using, or transporting
6 a pistol belonging to another individual, if the other individual's
7 possession of the pistol is authorized by law and the individual
8 carrying, possessing, using, or transporting the pistol has
9 obtained a license under section 5b to carry a concealed pistol or
10 is exempt from licensure as provided in section 12a.

11 (2) The amendatory act that added subsection (1)(h) shall be
12 known and may be cited as the "Janet Kukuk act".

13 Sec. 15. (1) Except as provided in subsection (2), a
14 federally licensed firearms dealer shall not sell a firearm in this
15 state unless the sale includes 1 of the following:

16 (a) A commercially available trigger lock or other device
17 designed to disable the firearm and prevent the discharge of the
18 firearm.

19 (b) A commercially available gun case or storage container
20 that can be secured to prevent unauthorized access to the firearm.

21 (2) This section does not apply to any of the following:

22 (a) The sale of a firearm to a police officer or a police
23 agency.

24 (b) The sale of a firearm to a person who presents to the
25 federally licensed firearms dealer 1 of the following:

26 (i) A trigger lock or other device designed to disable the
27 firearm and prevent the discharge of the firearm together with a

1 copy of the purchase receipt for the federally licensed firearms
2 dealer to keep. A separate trigger lock or device and a separate
3 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

4 (ii) A gun case or storage container that can be secured to
5 prevent unauthorized access to the firearm together with a copy of
6 the purchase receipt for the federally licensed firearms dealer to
7 keep. A separate gun case or storage container and a separate
8 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

9 (c) The sale of an antique firearm. ~~As used in this~~
10 ~~subdivision, "antique firearm" means that term as defined in~~
11 ~~section 231a of the Michigan penal code, 1931 PA 328, MCL 750.231a.~~

12 (d) The sale or transfer of a firearm if the seller is not a
13 federally licensed firearms dealer.

14 (3) A federally licensed firearms dealer shall not sell a
15 firearm in this state unless the firearm is accompanied with, free
16 of charge, a brochure or pamphlet that includes safety information
17 on the use and storage of the firearm in a home environment.

18 (4) Upon the sale of a firearm, a federally licensed firearms
19 dealer shall sign a statement and require the purchaser to sign a
20 statement stating that the sale is in compliance with subsections
21 (1), (2), and (3).

22 (5) A federally licensed firearms dealer shall retain a copy
23 of the signed statements prescribed in subsection (4) and, if
24 applicable, a copy of the receipt prescribed in subsection (2)(b),
25 for at least 6 years.

26 (6) A federally licensed firearms dealer in this state shall
27 post in a conspicuous manner at the entrances, exits, and all

1 points of sale on the premises where firearms are sold a notice
2 that says the following: "You may be criminally and civilly liable
3 for any harm caused by a person less than 18 years of age who
4 lawfully gains unsupervised access to your firearm if unlawfully
5 stored.".

6 (7) A federally licensed firearms dealer is not liable for
7 damages arising from the use or misuse of a firearm if the sale
8 complies with this section, any other applicable law of this state,
9 and applicable federal law.

10 (8) This section does not create a civil action or liability
11 for damages arising from the use or misuse of a firearm or
12 ammunition for a person, other than a federally licensed firearms
13 dealer, who produces a firearm or ammunition.

14 (9) Subject to subsections (10) to (12), a political
15 subdivision shall not bring a civil action against any person who
16 produces a firearm or ammunition. The authority to bring a civil
17 action under this section is reserved exclusively to the state and
18 can be brought only by the attorney general. The court shall award
19 costs and reasonable attorney fees to each defendant named in a
20 civil action filed in violation of this subsection.

21 (10) Subject to subsection (11), subsection (9) does not
22 prohibit a civil action by a political subdivision based on 1 or
23 more of the following, which the court shall narrowly construe:

24 (a) A breach of contract, other contract issue, or an action
25 based on a provision of the uniform commercial code, 1962 PA 174,
26 MCL 440.1101 to ~~440.11102~~, **440.9994**, in which the political
27 subdivision is the purchaser and owner of the firearm or

1 ammunition.

2 (b) Expressed or implied warranties arising from the purchase
3 of a firearm or ammunition by the political subdivision or the use
4 of a firearm or ammunition by an employee or agent of the political
5 subdivision.

6 (c) A product liability, personal injury, or wrongful death
7 action when an employee or agent or property of the political
8 subdivision has been injured or damaged as a result of a defect in
9 the design or manufacture of the firearm or ammunition purchased
10 and owned by the political subdivision.

11 (11) Subsection (10) does not allow an action based on any of
12 the following:

13 (a) A firearm's or ammunition's inherent potential to cause
14 injury, damage, or death.

15 (b) Failure to warn the purchaser, transferee, or user of the
16 firearm's or ammunition's inherent potential to cause injury,
17 damage, or death.

18 (c) Failure to sell with or incorporate into the product a
19 device or mechanism to prevent a firearm or ammunition from being
20 discharged by an unauthorized person unless specifically provided
21 for by contract.

22 (12) Subsections (9) through (11) do not create a civil
23 action.

24 (13) Subsections (9) through (11) are intended only to clarify
25 the current status of the law in this state, are remedial in
26 nature, and, therefore, apply to a civil action pending on the
27 effective date of this act.

1 (14) Beginning September 1, 2000, a person who violates this
2 section is guilty of a crime as follows:

3 (a) Except as provided in subdivision (b) or (c), the person
4 is guilty of a misdemeanor punishable by imprisonment for not more
5 than 93 days or a fine of not more than \$500.00, or both.

6 (b) For a second conviction, the person is guilty of a
7 misdemeanor punishable by imprisonment for not more than 1 year or
8 a fine of not more than \$1,000.00, or both.

9 (c) For a third or subsequent conviction, the person is guilty
10 of a felony punishable by imprisonment for not more than 2 years or
11 a fine of not more than \$5,000.00, or both.

12 (15) As used in this section:

13 (a) "Federally licensed firearms dealer" means a person
14 licensed under ~~section 923 of title 18 of the United States Code,~~
15 ~~18 U.S.C. USC~~ 923.

16 (b) "Firearm or ammunition" includes a component of a firearm
17 or ammunition.

18 (c) "Person" means an individual, partnership, corporation,
19 association, or other legal entity.

20 (d) "Political subdivision" means a county, city, village,
21 township, charter township, school district, community college, or
22 public university or college.

23 (e) "Produce" means to manufacture, construct, design,
24 formulate, develop standards for, prepare, process, assemble,
25 inspect, test, list, certify, give a warning or instructions
26 regarding, market, sell, advertise, package, label, distribute, or
27 transfer.