

HOUSE BILL No. 4943

October 6, 2015, Introduced by Rep. Wittenberg 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 2, 2b, and 5b (MCL 28.422, 28.422b, and 28.425b), section 2 as amended by 2015 PA 37, section 2b as amended by 2014 PA 205, and section 5b as amended by 2015 PA 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person

1 shall not purchase, carry, possess, or transport a pistol in this
2 state without first having obtained a license for the pistol as
3 prescribed in this section.

4 (2) A person who brings a pistol into this state who is on
5 leave from active duty with the armed forces of the United States
6 or who has been discharged from active duty with the armed forces
7 of the United States shall obtain a license for the pistol within
8 30 days after his or her arrival in this state.

9 (3) The commissioner or chief of police of a city, township,
10 or village police department that issues licenses to purchase,
11 carry, possess, or transport pistols, or his or her duly authorized
12 deputy, or the sheriff or his or her duly authorized deputy, in the
13 parts of a county not included within a city, township, or village
14 having an organized police department, in discharging the duty to
15 issue licenses shall with due speed and diligence issue licenses to
16 purchase, carry, possess, or transport pistols to qualified
17 applicants unless he or she has probable cause to believe that the
18 applicant would be a threat to himself or herself or to other
19 individuals, or would commit an offense with the pistol that would
20 violate a law of this or another state or of the United States. An
21 applicant is qualified if all of the following circumstances exist:

22 (a) The person is not subject to an order or disposition for
23 which he or she has received notice and an opportunity for a
24 hearing, and which was entered into the law enforcement information
25 network under any of the following:

26 (i) Section 464a of the mental health code, 1974 PA 258, MCL
27 330.1464a.

1 (ii) Section 5107 of the estates and protected individuals
2 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
3 642.

4 (iii) Section 2950 of the revised judicature act of 1961, 1961
5 PA 236, MCL 600.2950.

6 (iv) Section 2950a of the revised judicature act of 1961, 1961
7 PA 236, MCL 600.2950a.

8 (v) Section 14 of 1846 RS 84, MCL 552.14.

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

15 **(viii) THE GUN VIOLENCE RESTRAINING ORDER ACT.**

16 (b) The person is 18 years of age or older or, if the seller
17 is licensed under 18 USC 923, is 21 years of age or older.

18 (c) The person is a citizen of the United States or an alien
19 lawfully admitted into the United States and is a legal resident of
20 this state. For the purposes of this section, a person shall be
21 considered a legal resident of this state if any of the following
22 apply:

23 (i) The person has a valid, lawfully obtained Michigan driver
24 license issued under the Michigan vehicle code, 1949 PA 300, MCL
25 257.1 to 257.923, or an official state personal identification card
26 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

7 (d) A felony charge or a criminal charge listed in section 5b
8 against the person is not pending at the time of application.

9 (e) The person is not prohibited from possessing, using,
10 transporting, selling, purchasing, carrying, shipping, receiving,
11 or distributing a firearm under section 224f of the Michigan penal
12 code, 1931 PA 328, MCL 750.224f.

13 (f) The person has not been adjudged insane in this state or
14 elsewhere unless he or she has been adjudged restored to sanity by
15 court order.

16 (g) The person is not under an order of involuntary commitment
17 in an inpatient or outpatient setting due to mental illness.

18 (h) The person has not been adjudged legally incapacitated in
19 this state or elsewhere. This subdivision does not apply to a
20 person who has had his or her legal capacity restored by order of
21 the court.

22 (4) ~~Applications~~ **AN APPLICANT SHALL SIGN APPLICATIONS** for
23 licenses under this section ~~shall be signed by the applicant under~~
24 oath upon forms provided by the director of the department of state
25 police. Licenses to purchase, carry, possess, or transport pistols
26 shall be executed in triplicate upon forms provided by the director
27 of the department of state police and shall be signed by the

1 licensing authority. ~~Three~~ **THE LICENSING AUTHORITY SHALL DELIVER 3**
2 copies of the license ~~shall be delivered to the applicant. by the~~
3 ~~licensing authority.~~ A license is void unless used within 30 days
4 after the date it is issued.

5 (5) If an individual purchases or otherwise acquires a pistol,
6 the seller shall fill out the license forms describing the pistol,
7 together with the date of sale or acquisition, and sign his or her
8 name in ink indicating that the pistol was sold to or otherwise
9 acquired by the purchaser. The purchaser shall also sign his or her
10 name in ink indicating the purchase or other acquisition of the
11 pistol from the seller. The seller may retain a copy of the license
12 as a record of the transaction. The purchaser shall receive 2
13 copies of the license. The purchaser shall return 1 copy of the
14 license to the licensing authority within 10 days after the date
15 the pistol is purchased or acquired. The return of the copy to the
16 licensing authority may be made in person or may be made by first-
17 class mail or certified mail sent within the 10-day period to the
18 proper address of the licensing authority. A purchaser who fails to
19 comply with the requirements of this subsection is responsible for
20 a state civil infraction and may be fined not more than \$250.00. If
21 a purchaser is found responsible for a state civil infraction under
22 this subsection, the court shall notify the department of state
23 police of that determination.

24 (6) Within 10 days after receiving the license copy returned
25 under subsection (5), the licensing authority shall electronically
26 enter the information into the pistol entry database as required by
27 the department of state police if it has the ability to

1 electronically enter that information. If the licensing authority
2 does not have that ability, the licensing authority shall provide
3 that information to the department of state police in a manner
4 otherwise required by the department of state police. Any licensing
5 authority that provided pistol descriptions to the department of
6 state police under former section 9 of this act shall continue to
7 provide pistol descriptions to the department of state police under
8 this subsection. Within 48 hours after entering or otherwise
9 providing the information on the license copy returned under
10 subsection (5) to the department of state police, the licensing
11 authority shall forward the copy of the license to the department
12 of state police. The purchaser has the right to obtain a copy of
13 the information placed in the pistol entry database under this
14 subsection to verify the accuracy of that information. The
15 licensing authority may charge a fee not to exceed \$1.00 for the
16 cost of providing the copy. The licensee may carry, use, possess,
17 and transport the pistol for 30 days beginning on the date of
18 purchase or acquisition only while he or she is in possession of
19 his or her copy of the license. However, the person is not required
20 to have the license in his or her possession while carrying, using,
21 possessing, or transporting the pistol after this period.

22 (7) This section does not apply to the purchase of pistols
23 from wholesalers by dealers regularly engaged in the business of
24 selling pistols at retail, or to the sale, barter, or exchange of
25 pistols kept as relics or curios not made for modern ammunition or
26 permanently deactivated. This section does not prevent the transfer
27 of ownership of pistols that are inherited if the license to

1 purchase is approved by the commissioner or chief of police,
2 sheriff, or their authorized deputies, and signed by the personal
3 representative of the estate or by the next of kin having authority
4 to dispose of the pistol.

5 (8) An individual who is not a resident of this state is not
6 required to obtain a license under this section if all of the
7 following conditions apply:

8 (a) The individual is licensed in his or her state of
9 residence to purchase, carry, or transport a pistol.

10 (b) The individual is in possession of the license described
11 in subdivision (a).

12 (c) The individual is the owner of the pistol he or she
13 possesses, carries, or transports.

14 (d) The individual possesses the pistol for a lawful purpose.

15 (e) The individual is in this state for a period of 180 days
16 or less and does not intend to establish residency in this state.

17 (9) An individual who is a nonresident of this state shall
18 present the license described in subsection (8)(a) upon the demand
19 of a police officer. An individual who violates this subsection is
20 guilty of a misdemeanor punishable by imprisonment for not more
21 than 90 days or a fine of not more than \$100.00, or both.

22 (10) The licensing authority may require a person claiming
23 active duty status with the United States armed forces to provide
24 proof of 1 or both of the following:

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

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

27 (11) This section does not apply to a person who is younger

1 than the age required under subsection (3)(b) and who possesses a
2 pistol if all of the following conditions apply:

3 (a) The person is not otherwise prohibited from possessing
4 that pistol.

5 (b) The person is at a recognized target range.

6 (c) The person possesses the pistol for the purpose of target
7 practice or instruction in the safe use of a pistol.

8 (d) The person is in the physical presence and under the
9 direct supervision of any of the following:

10 (i) The person's parent.

11 (ii) The person's guardian.

12 (iii) An individual who is 21 years of age or older, who is
13 authorized by the person's parent or guardian, and who has
14 successfully completed a pistol safety training course or class
15 that meets the requirements of section 5j(1)(a), (b), or (d), and
16 received a certificate of completion.

17 (e) The owner of the pistol is physically present.

18 (12) This section does not apply to a person who possesses a
19 pistol if all of the following conditions apply:

20 (a) The person is not otherwise prohibited from possessing a
21 pistol.

22 (b) The person is at a recognized target range or shooting
23 facility.

24 (c) The person possesses the pistol for the purpose of target
25 practice or instruction in the safe use of a pistol.

26 (d) The owner of the pistol is physically present and
27 supervising the use of the pistol.

1 (13) A person who forges any matter on an application for a
2 license under this section is guilty of a felony, punishable by
3 imprisonment for not more than 4 years or a fine of not more than
4 \$2,000.00, or both.

5 (14) A licensing authority shall implement this section during
6 all of the licensing authority's normal business hours and shall
7 set hours for implementation that allow an applicant to use the
8 license within the time period set forth in subsection (4).

9 Sec. 2b. (1) Except as provided in subsection (5), upon entry
10 of an order or disposition into the law enforcement information
11 network under any provision of law described in section 2(3)(a),
12 the department of state police shall immediately send written
13 notice of that entry to the person who is the subject of the order
14 or disposition. The notice shall be sent by first-class mail to the
15 last known address of the person. The notice shall include at least
16 all of the following:

17 (a) The name of the person.

18 (b) The date the order or disposition was entered into the law
19 enforcement information network.

20 (c) A statement that the person cannot obtain a license to
21 purchase a pistol or obtain a concealed weapon license until the
22 order or disposition is removed from the law enforcement
23 information network.

24 (d) A statement that the person may request that the state
25 police correct or expunge inaccurate information entered into the
26 law enforcement information network.

27 (2) A person who is the subject of an order entered into the

1 law enforcement information network under any provision of law
2 described in section 2(3)(a) may request that the department of
3 state police do either of the following:

4 (a) Amend an inaccuracy in the information entered into the
5 law enforcement information network under any provision of law
6 described in section 2(3)(a).

7 (b) Expunge the person's name and other information concerning
8 the person from the law enforcement information network regarding 1
9 or more specific entries in the law enforcement information network
10 under any provision of law described in section 2(3)(a) because 1
11 or more of the following circumstances exist:

12 (i) The person is not subject to an order of involuntary
13 commitment in an inpatient or outpatient setting due to mental
14 illness.

15 (ii) The person is not subject to an order or disposition
16 determining that the person is legally incapacitated.

17 (iii) The person is not subject to a personal protection order
18 issued under any of the following:

19 (A) Section 2950 of the revised judicature act of 1961, 1961
20 PA 236, MCL 600.2950.

21 (B) Section 2950a of the revised judicature act of 1961, 1961
22 PA 236, MCL 600.2950a.

23 (C) Section 14 of 1846 RS 84, MCL 552.14.

24 (iv) The person is not subject to an order for release subject
25 to protective conditions that prohibits the purchase or possession
26 of a firearm by the person issued under section 6b of chapter V of
27 the code of criminal procedure, 1927 PA 175, MCL 765.6b.

1 (v) **THE PERSON IS NOT SUBJECT TO AN ORDER ISSUED UNDER THE GUN**
2 **VIOLENCE RESTRAINING ORDER ACT.**

3 (3) Before the expiration of 30 days after a request is made
4 to amend an inaccuracy in the law enforcement information network
5 under subsection (2)(a) or to expunge 1 or more specific entries
6 from the law enforcement information network under subsection
7 (2)(b)(i) to ~~(iv)~~, **(v)**, the department of state police shall
8 conduct an investigation concerning the accuracy of the information
9 contained in the law enforcement information network, either grant
10 or deny the request and provide the person with written notice of
11 that grant or denial. ~~A notice of denial~~ **THE DEPARTMENT OF STATE**
12 **POLICE** shall include **IN A NOTICE OF DENIAL** a statement specifying
13 the basis of the denial, and that a person may appeal the denial
14 pursuant to the administrative procedures act of 1969, 1969 PA 306,
15 MCL 24.201 to 24.328.

16 (4) If the department of state police ~~refuses~~ **DENIES** a request
17 by a person for amendment or expunction under subsection (2), or
18 fails to act within 30 days after receiving the request under
19 subsection (2), the person may request a hearing before a hearing
20 officer appointed by the department of state police for a
21 determination of whether information entered into the law
22 enforcement information network should be amended or expunged
23 because it is inaccurate or false. The department of state police
24 shall conduct the hearing pursuant to the administrative procedures
25 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 (5) The department of state police shall not send written
27 notice of an entry of an order or disposition into the law

1 enforcement information network as required for a personal
2 protection order issued under section 2950 or 2950a of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **OR**
4 **A GUN VIOLENCE RESTRAINING ORDER ISSUED UNDER THE GUN VIOLENCE**
5 **RESTRAINING ORDER ACT**, until ~~that~~**THE** department has received
6 notice that the respondent of the order has been served with or has
7 received notice of the personal protection order **OR GUN VIOLENCE**
8 **RESTRAINING ORDER**.

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

1 considered complete until an applicant submits all of the required
2 information and fees and has fingerprints taken under subsection
3 (9). Beginning December 1, 2015, an application under this
4 subsection is considered withdrawn if an applicant does not have
5 fingerprints taken under subsection (9) within 45 days of the date
6 an application is filed under this subsection. Beginning December
7 1, 2015, a completed application under this section expires 1 year
8 from the date of application. Beginning December 1, 2015, the
9 county clerk shall issue the applicant a receipt for his or her
10 application at the time the application is submitted containing the
11 name of the applicant, the applicant's state-issued driver license
12 or personal identification card number, the date and time the
13 receipt is issued, the amount paid, the name of the county in which
14 the receipt is issued, an impression of the county seal, and the
15 statement, "This receipt was issued for the purpose of applying for
16 a concealed pistol license and for obtaining fingerprints related
17 to that application. This receipt does not authorize an individual
18 to carry a concealed pistol in this state.". The application shall
19 contain all of the following:

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

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

1 (c) Until November 30, 2015, a statement by the applicant
2 authorizing the concealed weapon licensing board to access any
3 record, including any medical record, pertaining to the applicant's
4 qualifications for a license to carry a concealed pistol under this
5 act. The applicant may request that information received by the
6 concealed weapon licensing board under this subdivision be reviewed
7 in a closed session. If the applicant requests that the session be
8 closed, the concealed weapon licensing board shall close the
9 session only for purposes of this subdivision. The applicant and
10 his or her representative have the right to be present in the
11 closed session. Beginning December 1, 2015, a statement by the
12 applicant authorizing the department of state police to access any
13 record needed to perform the verification in subsection (6).

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

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

21 (i) Any felony.

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

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

3 (g) Until November 30, 2015, if the applicant seeks a
4 temporary license, the facts supporting the issuance of that
5 temporary license.

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

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

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

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

26 (3) An individual who intentionally makes a material false
27 statement on an application under subsection (1) is guilty of a

1 felony punishable by imprisonment for not more than 4 years or a
2 fine of not more than \$2,500.00, or both.

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

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

1 balance remaining to the state treasurer. The state treasurer shall
2 deposit the balance of the fee in the general fund to the credit of
3 the department of state police. The department of state police
4 shall use the money received under this act to process the
5 fingerprints and to reimburse the Federal Bureau of Investigation
6 for the costs associated with processing fingerprints submitted
7 under this act. The balance of the money received under this act
8 shall be credited to the department of state police.

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

1 active duty status with the United States armed forces under this
2 section to provide proof of 1 or both of the following:

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

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

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

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

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

1 is established. Until November 30, 2015, the concealed weapon
2 licensing board shall immediately issue a temporary license to that
3 applicant. Until November 30, 2015, the temporary license is valid
4 until the concealed weapon licensing board decides whether to grant
5 or deny the application. Beginning December 1, 2015, the county
6 clerk shall waive the 6-month residency requirement for an
7 emergency license under section 5a(4) if the applicant is a
8 petitioner for a personal protection order issued under section
9 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
10 MCL 600.2950 and 600.2950a, or if the county sheriff determines
11 that there is clear and convincing evidence to believe that the
12 safety of the applicant or the safety of a member of the
13 applicant's family or household is endangered by the applicant's
14 inability to immediately obtain a license to carry a concealed
15 pistol. Beginning December 1, 2015, if the applicant holds a valid
16 concealed pistol license issued by another state at the time the
17 applicant's residency in this state is established, the county
18 clerk shall waive the 6-month waiting period and the applicant may
19 apply for a concealed pistol license at the time the applicant's
20 residency in this state is established. For the purposes of this
21 section, a person is considered a legal resident of this state if
22 any of the following apply:

23 (i) The person has a valid, lawfully obtained driver license
24 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
25 257.923, or official state personal identification card issued
26 under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

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

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

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

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

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

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

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

25 (vi) **THE GUN VIOLENCE RESTRAINING ORDER ACT.**

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

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

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

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

9 (h) The applicant has not been convicted of a misdemeanor
10 violation of any of the following in the 8 years immediately
11 preceding the date of application 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 617a (failing to stop when involved in a personal
16 injury accident), section 625 as punishable under subsection (9)(b)
17 of that section (operating while intoxicated, second offense),
18 section 625m as punishable under subsection (4) of that section
19 (operating a commercial vehicle with alcohol content, second
20 offense), section 626 (reckless driving), or a violation of section
21 904(1) (operating while license suspended or revoked, second or
22 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
23 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

7 (v) Section 80176 as punishable under section 80177(1)(b)
8 (operating vessel under the influence of intoxicating liquor or a
9 controlled substance, second offense), section 81134 as punishable
10 under subsection (8)(b) of that section (operating ORV under the
11 influence of intoxicating liquor or a controlled substance, second
12 or subsequent offense), or section 82127 as punishable under
13 section 82128(1)(b) (operating snowmobile under the influence of
14 intoxicating liquor or a controlled substance, second offense) of
15 the natural resources and environmental protection act, 1994 PA
16 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

17 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
18 333.7403 (possession of controlled substance, controlled substance
19 analogue, or prescription form).

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

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

26 (ix) Section 81 (assault or domestic assault), section 81a(1)
27 or (2) (aggravated assault or aggravated domestic assault), section

1 115 (breaking and entering or entering without breaking), section
2 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
3 abuse), section 157b(3)(b) (solicitation to commit a felony),
4 section 215 (impersonating peace officer or medical examiner),
5 section 223 (illegal sale of a firearm or ammunition), section 224d
6 (illegal use or sale of a self-defense spray), section 226a (sale
7 or possession of a switchblade), section 227c (improper
8 transportation of a loaded firearm), section 229 (accepting a
9 pistol in pawn), section 232 (failure to register the purchase of a
10 firearm or a firearm component), section 232a (improperly obtaining
11 a pistol, making a false statement on an application to purchase a
12 pistol, or using false identification to purchase a pistol),
13 section 233 (intentionally aiming a firearm without malice),
14 section 234 (intentionally discharging a firearm aimed without
15 malice), section 234d (possessing a firearm on prohibited
16 premises), section 234e (brandishing a firearm in public), section
17 234f (possession of a firearm by an individual less than 18 years
18 of age), section 235 (intentionally discharging a firearm aimed
19 without malice causing injury), section 235a (parent of a minor who
20 possessed a firearm in a weapon free school zone), section 236
21 (setting a spring gun or other device), section 237 (possessing a
22 firearm while under the influence of intoxicating liquor or a
23 controlled substance), section 237a (weapon free school zone
24 violation), section 335a (indecent exposure), section 411h
25 (stalking), or section 520e (fourth degree criminal sexual conduct)
26 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
27 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,

1 750.226a, 750.227c, 750.229, 750.232, 750.232a, 750.233, 750.234,
2 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,
3 750.237a, 750.335a, 750.411h, and 750.520e.

4 (x) Former section 228 of the Michigan penal code, 1931 PA
5 328.

6 (xi) Section 1 (reckless, careless, or negligent use of a
7 firearm resulting in injury or death), section 2 (careless,
8 reckless, or negligent use of a firearm resulting in property
9 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
10 45, MCL 752.861, 752.862, and 752.863a.

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

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

22 (i) Section 625 (operating under the influence), section 625a
23 (refusal of commercial vehicle operator to submit to a chemical
24 test), section 625k (ignition interlock device reporting
25 violation), section 625l (circumventing an ignition interlock
26 device), or section 625m punishable under subsection (3) of that
27 section (operating a commercial vehicle with alcohol content) of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
2 257.625k, 257.625l, and 257.625m.

3 (ii) Section 185 of the aeronautics code of the state of
4 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
5 influence).

6 (iii) Section 81134 (operating ORV under the influence or
7 operating ORV while visibly impaired), or section 82127 (operating
8 a snowmobile under the influence) of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.81134 and
10 324.82127.

11 (iv) Part 74 of the public health code, 1978 PA 368, MCL
12 333.7401 to 333.7461 (controlled substance violation).

13 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
14 462.353, punishable under subsection (3) of that section (operating
15 locomotive under the influence).

16 (vi) Section 167 (disorderly person), section 174
17 (embezzlement), section 218 (false pretenses with intent to
18 defraud), section 356 (larceny), section 356d (second degree retail
19 fraud), section 359 (larceny from a vacant building or structure),
20 section 362 (larceny by conversion), section 362a (larceny -
21 defrauding lessor), section 377a (malicious destruction of
22 property), section 380 (malicious destruction of real property),
23 section 535 (receiving or concealing stolen property), or section
24 540e (malicious use of telecommunications service or device) of the
25 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
26 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
27 750.535, and 750.540e.

1 (vii) A violation of a law of the United States, another
2 state, or a local unit of government of this state or another state
3 substantially corresponding to a violation described in
4 subparagraphs (i) to (vi).

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

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

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

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

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

21 (8) Upon entry of a court order or conviction of 1 of the
22 enumerated prohibitions for using, transporting, selling,
23 purchasing, carrying, shipping, receiving, or distributing a
24 firearm in this section the department of state police shall
25 immediately enter the order or conviction into the law enforcement
26 information network. For purposes of this act, information of the
27 court order or conviction shall not be removed from the law

1 enforcement information network, but may be moved to a separate
2 file intended for the use of the county concealed weapon licensing
3 boards, department of state police, the courts, and other
4 government entities as necessary and exclusively to determine
5 eligibility to be licensed under this act.

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

1 hours as is necessary to comply with the requirements of this act
2 if the county clerk, department of state police, county sheriff,
3 local police agency, or other entity provides fingerprinting
4 capability for the purposes of this act. Beginning December 1,
5 2015, the entity providing fingerprinting services shall issue the
6 applicant a receipt at the time his or her fingerprints are taken.
7 Beginning December 1, 2015, the county clerk, department of state
8 police, county sheriff, local police agency, or other entity shall
9 not provide a receipt under this subsection unless the individual
10 requesting the fingerprints provides an application receipt
11 received under subsection (1). Beginning December 1, 2015, a
12 receipt under this subsection shall contain all of the following:

13 (a) The name of the applicant.

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

15 (c) The amount paid.

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

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

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

1 receipt does not exempt the individual named in the receipt from
2 complying with all applicable laws for the purchase of firearms.".

3 (10) The fingerprints shall be taken, under subsection (9), in
4 a manner prescribed by the department of state police. The
5 fingerprints taken by a county clerk, county sheriff, local police
6 agency, or other entity shall be immediately forwarded to the
7 department of state police for comparison with fingerprints already
8 on file with the department of state police. The department of
9 state police shall immediately forward the fingerprints to the
10 Federal Bureau of Investigation. Until November 30, 2015, within 10
11 days after receiving a report of the fingerprints from the Federal
12 Bureau of Investigation, the department of state police shall
13 provide a copy to the submitting sheriff's department or local
14 police agency as appropriate and the clerk of the appropriate
15 concealed weapon licensing board. Beginning December 1, 2015,
16 within 5 business days of completing the verification under
17 subsection (6), the department shall send the county clerk a list
18 of an applicant's statutory disqualifications under this act. Until
19 November 30, 2015, and except as provided in subsection (14), the
20 concealed weapon licensing board shall not issue a concealed pistol
21 license until it receives the fingerprint comparison report
22 prescribed in this subsection. Beginning December 1, 2015, and
23 except as provided in section 5a(4), the county clerk shall not
24 issue a concealed pistol license until he or she receives the
25 report of statutory disqualifications prescribed in this
26 subsection. Beginning December 1, 2015, if an individual's
27 fingerprints are not classifiable, the department of state police

1 shall, at no charge, take the individual's fingerprints again or
2 provide for the comparisons under this subsection to be conducted
3 through alternative means. Until November 30, 2015, the concealed
4 weapon licensing board may deny a license if an individual's
5 fingerprints are not classifiable by the Federal Bureau of
6 Investigation. Beginning December 1, 2015, the county clerk shall
7 not issue a notice of statutory disqualification because an
8 individual's fingerprints are not classifiable by the Federal
9 Bureau of Investigation.

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

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

21 (13) Until November 30, 2015, and subject to subsections (10)
22 and (14), the concealed weapon licensing board shall issue or deny
23 issuance of a license within 45 days after the concealed weapon
24 licensing board receives the fingerprint comparison report provided
25 under subsection (10). Beginning December 1, 2015, and subject to
26 subsection (10), the department of state police shall complete the
27 verification required under subsection (6) and the county clerk

1 shall issue a license or a notice of statutory disqualification
2 within 45 days after the date the applicant has classifiable
3 fingerprints taken under subsection (9). Beginning December 1,
4 2015, the county clerk shall include an indication on the license
5 if an individual is exempt from the prohibitions against carrying a
6 concealed pistol on premises described in section 50 if the
7 applicant provides acceptable proof that he or she qualifies for
8 that exemption. Until November 30, 2015, if the concealed weapon
9 licensing board denies issuance of a license to carry a concealed
10 pistol, or beginning December 1, 2015, if the county clerk issues a
11 notice of statutory disqualification, the concealed weapon
12 licensing board or the county clerk, as appropriate, shall within 5
13 business days do all of the following:

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

17 (i) Until November 30, 2015, a statement of the specific and
18 articulable facts supporting the denial. Beginning December 1,
19 2015, a statement of each statutory disqualification identified.

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

24 (iii) Beginning December 1, 2015, the contact information for
25 the source of the record for each statutory disqualification
26 identified.

27 (b) Inform the applicant in writing of his or her right to

1 appeal the denial or notice of statutory disqualification to the
2 circuit court as provided in section 5d.

3 (c) Beginning December 1, 2015, inform the applicant that he
4 or she should contact the source of the record for any statutory
5 disqualification to correct any errors in the record resulting in
6 the statutory disqualification.

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

1 license for purposes of this act when carried with a state-issued
2 driver license or personal identification card and is valid until a
3 license or notice of statutory disqualification is issued by the
4 county clerk.

5 (15) If an individual licensed under this act to carry a
6 concealed pistol moves to a different county within this state, his
7 or her license remains valid until it expires or is otherwise
8 suspended or revoked under this act. Beginning December 1, 2015, an
9 individual may notify a county clerk that he or she has moved to a
10 different address within this state for the purpose of receiving
11 the notice under section 5/(1). A license to carry a concealed
12 pistol that is lost, stolen, or defaced may be replaced by the
13 issuing county clerk for a replacement fee of \$10.00. A county
14 clerk shall deposit a replacement fee under this subsection in the
15 concealed pistol licensing fund of that county created in section
16 5x.

17 (16) If a license issued under this act is suspended or
18 revoked, the license is forfeited and the individual shall return
19 the license to the county clerk forthwith by mail or in person.
20 Beginning December 1, 2015, the county clerk shall retain a
21 suspended or revoked license as an official record 1 year after the
22 expiration of the license, unless the license is reinstated or a
23 new license is issued. Beginning December 1, 2015, the county clerk
24 shall notify the department of state police if a license is
25 suspended or revoked. Beginning December 1, 2015, the department of
26 state police shall enter that suspension or revocation into the law
27 enforcement information network. An individual who fails to return

1 a license as required under this subsection after he or she was
2 notified that his or her license was suspended or revoked is guilty
3 of a misdemeanor punishable by imprisonment for not more than 93
4 days or a fine of not more than \$500.00, or both.

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

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

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

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

1 (21) Beginning December 1, 2015, an individual licensed under
2 this act to carry a concealed pistol may voluntarily surrender that
3 license without explanation. Beginning December 1, 2015, a county
4 clerk shall retain a surrendered license as an official record for
5 1 year after the license is surrendered. Beginning December 1,
6 2015, if an individual voluntarily surrenders a license under this
7 subsection, the county clerk shall notify the department of state
8 police. Beginning December 1, 2015, the department of state police
9 shall enter into the law enforcement information network that the
10 license was voluntarily surrendered and the date the license was
11 voluntarily surrendered.

12 (22) As used in this section:

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

14 (i) For a retired police officer or retired law enforcement
15 officer, the officer's retired identification or a letter from a
16 law enforcement agency stating that the retired police officer or
17 law enforcement officer retired in good standing.

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

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

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

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

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

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

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

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

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

19 (xi) For a retired federal law enforcement officer, the
20 identification required under the law enforcement officers safety
21 act or a letter from a law enforcement agency stating that the
22 retired federal law enforcement officer retired in good standing.

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

1 committed by an adult would be a crime.

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

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

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

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

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 4942 (request no.
24 04044'15) of the 98th Legislature is enacted into law.