

# HOUSE BILL No. 4268

February 23, 2017, Introduced by Rep. Kelly 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 and 5o (MCL 28.425b and 28.425o), section 5b as amended by 2015 PA 207 and section 5o as amended by 2015 PA 206.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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22 withdrawn if an applicant does not have fingerprints taken under  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

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

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

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

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

1 ~~his or her representative have the right to be present in the~~  
2 ~~closed session. Beginning December 1, 2015, a~~ **A** statement by the  
3 applicant authorizing the department of state police to access any  
4 record needed to perform the verification in subsection (6).

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

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

12 (i) Any felony.

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

19 (f) A statement by the applicant whether he or she has been  
20 dishonorably discharged from the United States ~~armed forces.~~ **ARMED**  
21 **FORCES.**

22 ~~— (g) Until November 30, 2015, if the applicant seeks a~~  
23 ~~temporary license, the facts supporting the issuance of that~~  
24 ~~temporary license.~~

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

1           (G) ~~(i) Until November 30, 2015, a passport quality photograph~~  
2 ~~of the applicant provided by the applicant at the time of~~  
3 ~~application. Beginning December 1, 2015, if **IF** an applicant does~~  
4 ~~not have a digitized photograph on file with the secretary of~~  
5 ~~state, a passport-quality photograph of the applicant provided by~~  
6 ~~the applicant at the time of application.~~

7           (H) ~~(j)~~ A certificate stating that the applicant has completed  
8 the training course prescribed by this act.

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

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

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

27           (5) ~~Until November 30, 2015, each applicant shall pay a~~

1 ~~nonrefundable application and licensing fee of \$105.00 by any~~  
2 ~~method of payment accepted by that county for payments of other~~  
3 ~~fees and penalties. Beginning December 1, 2015, each~~ **EACH** applicant  
4 shall pay an application and licensing fee of \$100.00 by any method  
5 of payment accepted by that county for payments of other fees and  
6 penalties. Except as provided in subsection (9), no other charge,  
7 fee, cost, or assessment, including any local charge, fee, cost, or  
8 assessment, is required of the applicant except as specifically  
9 authorized in this act. The **APPLICANT SHALL PAY THE** application and  
10 licensing fee ~~shall be payable to the county. Until November 30,~~  
11 ~~2015, the county treasurer shall deposit \$15.00 of each application~~  
12 ~~and licensing fee collected under this section in the general fund~~  
13 ~~of the county and credit that deposit to the credit of the county~~  
14 ~~sheriff and deposit \$26.00 of each fee collected under this section~~  
15 ~~in the concealed pistol licensing fund of that county created in~~  
16 ~~section 5x. Beginning December 1, 2015, the~~ **THE** county treasurer  
17 shall deposit \$26.00 of each application and licensing fee  
18 collected under this section in the concealed pistol licensing fund  
19 of that county created in section 5x. The county treasurer shall  
20 forward the balance remaining to the state treasurer. The state  
21 treasurer shall deposit the balance of the fee in the general fund  
22 to the credit of the department of state police. The department of  
23 state police shall use the money received under this act to process  
24 the fingerprints and to reimburse the Federal Bureau of  
25 Investigation for the costs associated with processing fingerprints  
26 submitted under this act. The balance of the money received under  
27 this act ~~shall~~ **MUST** be credited to the department of state police.

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

22           ~~— (a) The person's home of record.~~

23           ~~— (b) Permanent active duty assignment in this state.~~

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

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

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

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

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

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

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

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

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

1 record is in another state.

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

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

8 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
9 330.1464a.

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

12 (iii) Sections 2950 and 2950a of the revised judicature act of  
13 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

1 (g) The applicant has not been dishonorably discharged from  
2 the United States ~~armed forces~~. **ARMED FORCES**.

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

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

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

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

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

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

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

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

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

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

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

25 (x) Former section 228 of the Michigan penal code, 1931 PA  
26 328.

27 (xi) Section 1 (reckless, careless, or negligent use of a

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

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

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

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

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

27 (iii) Section 81134 (operating ORV under the influence or

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

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

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

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

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

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

1 acquitted of, any crime by reason of insanity.

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

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

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

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

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

27 (9) An individual, after submitting an application and paying

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

1 fingerprints are taken. ~~Beginning December 1, 2015, the~~ **THE** county  
2 clerk, department of state police, county sheriff, local police  
3 agency, or other entity shall not provide a receipt under this  
4 subsection unless the individual requesting the fingerprints  
5 provides an application receipt received under subsection (1).

6 ~~Beginning December 1, 2015, a~~ **A** receipt under this subsection shall  
7 **MUST** contain all of the following:

8 (a) The name of the ~~applicant~~ **INDIVIDUAL**.

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

10 (c) The amount paid.

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

12 (e) The ~~applicant's~~ **INDIVIDUAL'S** state-issued driver license  
13 or personal identification card number.

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

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

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

1 ~~weapon licensing board may deny a license if an individual's~~  
2 ~~fingerprints are not classifiable by the Federal Bureau of~~  
3 ~~Investigation. Beginning December 1, 2015, the **THE** county clerk~~  
4 shall not issue a notice of statutory disqualification because an  
5 individual's fingerprints are not classifiable by the Federal  
6 Bureau of Investigation.

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

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

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

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

12 (a) Inform the ~~applicant~~ **INDIVIDUAL** in writing of the reasons  
13 for the denial or disqualification. Information under this  
14 subdivision ~~shall~~ **MUST** include all of the following:

15 (i) ~~Until November 30, 2015, a statement of the specific and~~  
16 ~~articulable facts supporting the denial. Beginning December 1,~~  
17 ~~2015, a~~ **A** statement of each statutory disqualification identified.

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

22 (iii) ~~Beginning December 1, 2015, the~~ **THE** contact information  
23 for the source of the record for each statutory disqualification  
24 identified.

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

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

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

1 and is valid until a license or notice of statutory  
2 disqualification is issued by the county clerk.

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

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

1 suspended or revoked is guilty of a misdemeanor punishable by  
2 imprisonment for not more than 93 days or a fine of not more than  
3 \$500.00, or both.

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

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

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

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

27 (21) ~~Beginning December 1, 2015, an~~ **AN** individual licensed

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

11 (22) As used in this section:

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

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

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

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

27 (iv) For an individual who is a corrections officer of a

1 county sheriff's department, his or her employee identification and  
2 a letter stating that the individual has received county sheriff  
3 approved weapons training.

4 (v) For an individual who is a retired corrections officer of  
5 a county sheriff's department, a letter from the county sheriff's  
6 office stating that the retired corrections officer retired in good  
7 standing and that the individual has received county sheriff  
8 approved weapons training.

9 (vi) For an individual who is a motor carrier officer or  
10 capitol security officer of the department of state police, his or  
11 her employee identification.

12 (vii) For an individual who is a member of a sheriff's posse,  
13 his or her identification.

14 (viii) For an individual who is an auxiliary officer or  
15 reserve officer of a police or sheriff's department, his or her  
16 employee identification.

17 (ix) For an individual who is a parole, probation, or  
18 corrections officer, or absconder recovery unit member, of the  
19 department of corrections, his or her employee identification and  
20 proof that the individual obtained a Michigan department of  
21 corrections weapons permit.

22 (x) For an individual who is a retired parole, probation, or  
23 corrections officer, or retired absconder recovery unit member, of  
24 the department of corrections, a letter from the department of  
25 corrections stating that the retired parole, probation, or  
26 corrections officer, or retired absconder recovery unit member,  
27 retired in good standing and proof that the individual obtained a

1 Michigan department of corrections weapons permit.

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

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

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

11 (xiv) **FOR AN INDIVIDUAL WHO IS A PETITIONER FOR A PERSONAL**  
12 **PROTECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED**  
13 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, A**  
14 **COPY OF THE PERSONAL PROTECTION ORDER.**

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

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

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

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

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

14 Sec. 5o. (1) Subject to subsection (5), an individual licensed  
15 under this act to carry a concealed pistol, or who is exempt from  
16 licensure under section ~~12a(1)(h)~~, **12A(H)**, shall not carry a  
17 concealed pistol on the premises of any of the following:

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

25 (b) A public or private child care center or day care center,  
26 public or private child caring institution, or public or private  
27 child placing agency.

1 (c) A sports arena or stadium.

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

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

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

25 (g) A hospital.

26 (h) A dormitory or classroom of a community college, college,  
27 or university.

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

4           (3) An individual licensed under this act to carry a concealed  
5 pistol, or who is exempt from licensure under section ~~12a(1)(h)~~,  
6 **12A(H)**, shall not carry a concealed pistol in violation of R  
7 432.1212 or a successor rule of the Michigan administrative code  
8 promulgated under the Michigan gaming control and revenue act, 1996  
9 IL 1, MCL 432.201 to 432.226.

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

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

14           (a) An individual licensed under this act who is a retired  
15 police officer, retired law enforcement officer, or retired federal  
16 law enforcement officer.

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

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

25           (d) An individual who is licensed under this act and who is a  
26 corrections officer of a county sheriff's department or who is  
27 licensed under this act and is a retired corrections officer of a

1 county sheriff's department, if that individual has received county  
2 sheriff approved weapons training.

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

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

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

11 (h) An individual who is licensed under this act and who is  
12 any of the following:

13 (i) A parole, probation, or corrections officer, or absconder  
14 recovery unit member, of the department of corrections, if that  
15 individual has obtained a Michigan department of corrections  
16 weapons permit.

17 (ii) A retired parole, probation, or corrections officer, or  
18 retired absconder recovery unit member, of the department of  
19 corrections, if that individual has obtained a Michigan department  
20 of corrections weapons permit.

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

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

25 **(K) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT AND WHO IS A**  
26 **PETITIONER FOR A PERSONAL PROTECTION ORDER ISSUED UNDER SECTION**  
27 **2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,**

1 **MCL 600.2950 AND 600.2950A.**

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

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

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

12 (c) For a third or subsequent violation, the individual is  
13 guilty of a felony punishable by imprisonment for not more than 4  
14 years or a fine of not more than \$5,000.00, or both. The court  
15 shall order the individual's license to carry a concealed pistol  
16 revoked.