

HOUSE BILL NO. 5271

August 18, 2021, Introduced by Rep. Bellino and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1927 PA 372, entitled

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

certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 5b and 5l (MCL 28.425b and 28.425l), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
 2 an individual shall apply to the county clerk in the county in
 3 which the individual resides, **a county clerk in a contiguous**
 4 **county, or the county clerk in the county in which the individual**
 5 **has his or her primary place of business.** The applicant shall file
 6 the application with the county clerk in the county in which the
 7 applicant resides, **a county clerk in a contiguous county, or the**
 8 **county clerk in the county in which the individual has his or her**
 9 **primary place of business** during the county clerk's normal business
 10 hours. The application must be on a form provided by the director
 11 of the department of state police and allow the applicant to
 12 designate whether the applicant seeks an emergency license. The
 13 applicant shall sign the application under oath. The county clerk
 14 or his or her representative shall administer the oath. An
 15 application under this subsection is not considered complete until
 16 an applicant submits all of the required information and fees and
 17 has fingerprints taken under subsection (9). An application under
 18 this subsection is considered withdrawn if an applicant does not
 19 have fingerprints taken under subsection (9) within 45 days of the
 20 date an application is filed under this subsection. A completed
 21 application and all receipts issued under this section expire 1
 22 year from the date of application. The county clerk shall issue the
 23 applicant a receipt for his or her application at the time the
 24 application is submitted containing the name of the applicant, the

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

10 (a) The applicant's legal name, date of birth, the address of
11 his or her primary residence, and his or her state-issued driver
12 license or personal identification card number.

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

15 (c) A statement by the applicant authorizing the department of
16 state police to access any record needed to perform the
17 verification in subsection (6).

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

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

25 (i) Any felony.

26 (ii) A misdemeanor listed under subsection (7)(h) if the
27 applicant was convicted of that misdemeanor in the 8 years
28 immediately preceding the date of the application, or a misdemeanor
29 listed under subsection (7)(i) if the applicant was convicted of

1 that misdemeanor in the 3 years immediately preceding the date of
2 the application.

3 (f) A statement by the applicant whether he or she has been
4 dishonorably discharged from the United States Armed Forces.

5 (g) If an applicant does not have a digitized photograph on
6 file with the secretary of state, a passport-quality photograph of
7 the applicant provided by the applicant at the time of application.

8 (h) A certificate stating that the applicant has completed the
9 training course prescribed by this act.

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

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

23 (4) The county clerk shall retain a copy of each application
24 for a license to carry a concealed pistol as an official record.
25 One year after the expiration of a concealed pistol license, the
26 county clerk may destroy the record and a name index of the record
27 shall be maintained in the database created in section 5e.

28 (5) Each applicant shall pay a nonrefundable application and
29 licensing fee of \$100.00 by any method of payment accepted by that

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

18 (6) The department of state police shall verify the
19 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),
20 and (m) through the law enforcement information network and the
21 national instant criminal background check system and shall report
22 to the county clerk all statutory disqualifications, if any, under
23 this act that apply to an applicant.

24 (7) The county clerk shall issue and shall send by first-class
25 mail a license to an applicant to carry a concealed pistol within
26 the period required under this act if the county clerk determines
27 that all of the following circumstances exist:

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

29 (b) The applicant is a citizen of the United States or is an

1 alien lawfully admitted into the United States, is a legal resident
2 of this state, and has resided in this state for not less than the
3 6 months immediately preceding the date of application. The county
4 clerk shall waive the 6-month residency requirement for an
5 emergency license under section 5a(4) if the applicant is a
6 petitioner for a personal protection order issued under section
7 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.2950 and 600.2950a, or if the county sheriff determines
9 that there is clear and convincing evidence to believe that the
10 safety of the applicant or the safety of a member of the
11 applicant's family or household is endangered by the applicant's
12 inability to immediately obtain a license to carry a concealed
13 pistol. If the applicant holds a valid concealed pistol license
14 issued by another state at the time the applicant's residency in
15 this state is established, the county clerk shall waive the 6-month
16 residency requirement and the applicant may apply for a concealed
17 pistol license at the time the applicant's residency in this state
18 is established. For the purposes of this section, an individual is
19 considered a legal resident of this state if any of the following
20 apply:

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

25 (ii) The individual is lawfully registered to vote in this
26 state.

27 (iii) The individual is on active duty status with the United
28 States Armed Forces and is stationed outside of this state, but the
29 individual's home of record is in this state.

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

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

8 (d) Based solely on the report received from the department of
9 state police under subsection (6), the applicant is not the subject
10 of an order or disposition under any of the following:

11 (i) Section 464a of the mental health code, 1974 PA 258, MCL
12 330.1464a.

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

15 (iii) Sections 2950 and 2950a of the revised judicature act of
16 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

17 (iv) Section 6b of chapter V of the code of criminal procedure,
18 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
19 section 6b(3) of chapter V of the code of criminal procedure, 1927
20 PA 175, MCL 765.6b.

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

23 (e) Based solely on the report received from the department of
24 state police under subsection (6), the applicant is not prohibited
25 from possessing, using, transporting, selling, purchasing,
26 carrying, shipping, receiving, or distributing a firearm under
27 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

28 (f) Based solely on the report received from the department of
29 state police under subsection (6), the applicant has never been

1 convicted of a felony in this state or elsewhere, and a felony
2 charge against the applicant is not pending in this state or
3 elsewhere at the time he or she applies for a license described in
4 this section.

5 (g) The applicant has not been dishonorably discharged from
6 the United States Armed Forces.

7 (h) Based solely on the report received from the department of
8 state police under subsection (6), the applicant has not been
9 convicted of a misdemeanor violation of any of the following in the
10 8 years immediately preceding the date of application and a charge
11 for a misdemeanor violation of any of the following is not pending
12 against the applicant in this state or elsewhere at the time he or
13 she applies for a license described in this section:

14 (i) Section 617a (failing to stop when involved in a personal
15 injury accident), section 625 as punishable under subsection (9)(b)
16 of that section (operating while intoxicated, second offense),
17 section 625m as punishable under subsection (4) of that section
18 (operating a commercial vehicle with alcohol content, second
19 offense), section 626 (reckless driving), or a violation of section
20 904(1) (operating while license suspended or revoked, second or
21 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
22 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

1 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
2 290.650 (hindering, obstructing, assaulting, or committing bodily
3 injury upon director or authorized representative).

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

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

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

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

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

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

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

27 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a
 28 firearm resulting in injury or death), section 2 (careless,
 29 reckless, or negligent use of a firearm resulting in property

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

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

7 (i) Based solely on the report received from the department of
8 state police under subsection (6), the applicant has not been
9 convicted of a misdemeanor violation of any of the following in the
10 3 years immediately preceding the date of application unless the
11 misdemeanor violation is listed under subdivision (h) and a charge
12 for a misdemeanor violation of any of the following is not pending
13 against the applicant in this state or elsewhere at the time he or
14 she applies for a license described in this section:

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

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

26 (iii) Section 81134 (operating ORV under the influence or
27 operating ORV while visibly impaired), or section 82127 (operating
28 a snowmobile under the influence) of the natural resources and
29 environmental protection act, 1994 PA 451, MCL 324.81134 and

1 324.82127.

2 (iv) Part 74 of the public health code, 1978 PA 368, MCL
3 333.7401 to 333.7461 (controlled substance violation).

4 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
5 462.353, punishable under subsection (3) of that section (operating
6 locomotive under the influence).

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

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

23 (j) Based solely on the report received from the department of
24 state police under subsection (6), the applicant has not been found
25 guilty but mentally ill of any crime and has not offered a plea of
26 not guilty of, or been acquitted of, any crime by reason of
27 insanity.

28 (k) Based solely on the report received from the department of
29 state police under subsection (6), the applicant is not currently

1 and has never been subject to an order of involuntary commitment in
2 an inpatient or outpatient setting due to mental illness.

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

9 (m) Based solely on the report received from the department of
10 state police under subsection (6), the applicant is not under a
11 court order of legal incapacity in this state or elsewhere.

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

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

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

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

29 (a) The name of the individual.

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

2 (c) The amount paid.

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

4 (e) The individual's state-issued driver license or personal
5 identification card number.

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

17 (10) The fingerprints must be taken, under subsection (9), in
18 a manner prescribed by the department of state police. The county
19 clerk, county sheriff, local police agency, or other entity shall
20 immediately forward the fingerprints taken by that entity to the
21 department of state police for comparison with fingerprints already
22 on file with the department of state police. The department of
23 state police shall immediately forward the fingerprints to the
24 Federal Bureau of Investigation. Within 5 business days after
25 completing the verification under subsection (6), the department
26 shall send the county clerk a list of an individual's statutory
27 disqualifications under this act. Except as provided in section
28 5a(4), the county clerk shall not issue a concealed pistol license
29 until he or she receives the report of statutory disqualifications

1 prescribed in this subsection. If an individual's fingerprints are
2 not classifiable, the department of state police shall, at no
3 charge, take the individual's fingerprints again or provide for the
4 comparisons under this subsection to be conducted through
5 alternative means. The county clerk shall not issue a notice of
6 statutory disqualification because an individual's fingerprints are
7 not classifiable by the Federal Bureau of Investigation.

8 (11) The county clerk shall send by first-class mail a notice
9 of statutory disqualification for a license under this act to an
10 individual if the individual is not qualified under subsection (7)
11 to receive that license.

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

15 (13) Subject to subsection (10), the department of state
16 police shall complete the verification required under subsection
17 (6) and the county clerk shall issue a license or a notice of
18 statutory disqualification within 45 days after the date the
19 individual has classifiable fingerprints taken under subsection
20 (9). The county clerk shall include an indication on the license if
21 an individual is exempt from the prohibitions against carrying a
22 concealed pistol on premises described in section 50 if the
23 applicant provides acceptable proof that he or she qualifies for
24 that exemption. If the county clerk receives notice from a county
25 sheriff or chief law enforcement officer that a licensee is no
26 longer a member of a sheriff's posse, an auxiliary officer, or a
27 reserve officer, the county clerk shall notify the licensee that he
28 or she shall surrender the concealed pistol license indicating that
29 the individual is exempt from the prohibitions against carrying a

1 concealed pistol on premises described in section 5o. The licensee
2 shall, within 30 days after receiving notice from the county clerk,
3 surrender the license indicating that the individual is exempt from
4 the prohibitions against carrying a concealed pistol on premises
5 described in section 5o and obtain a replacement license after
6 paying the fee required under subsection (15). If the county clerk
7 issues a notice of statutory disqualification, the county clerk
8 shall within 5 business days do all of the following:

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

12 (i) A statement of each statutory disqualification identified.

13 (ii) The source of the record for each statutory
14 disqualification identified.

15 (iii) The contact information for the source of the record for
16 each statutory disqualification identified.

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

20 (c) Inform the individual that he or she should contact the
21 source of the record for any statutory disqualification to correct
22 any errors in the record resulting in the statutory
23 disqualification.

24 (14) If a license or notice of statutory disqualification is
25 not issued under subsection (13) within 45 days after the date the
26 individual has classifiable fingerprints taken under subsection
27 (9), the receipt issued under subsection (9) serves as a concealed
28 pistol license for purposes of this act when carried with a state-
29 issued driver license or personal identification card and is valid

1 until a license or notice of statutory disqualification is issued
2 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. An individual may notify a
7 county clerk that he or she has moved to a different address within
8 this state for the purpose of receiving the notice under section
9 5l(1). A license to carry a concealed pistol that is lost, stolen,
10 defaced, or replaced for any other reason 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. The
18 county clerk shall retain a suspended or revoked license as an
19 official record 1 year after the expiration of the license, unless
20 the license is reinstated or a new license is issued. The county
21 clerk shall notify the department of state police if a license is
22 suspended or revoked. The department of state police shall enter
23 that suspension or revocation into the law enforcement information
24 network. An individual who fails to return a license as required
25 under this subsection after he or she was notified that his or her
26 license was suspended or revoked is guilty of a misdemeanor
27 punishable by imprisonment for not more than 93 days or a fine of
28 not more than \$500.00, or both.

29 (17) An applicant or an individual licensed under this act to

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

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

10 (19) A county clerk issuing an initial license or renewal
11 license under this act shall mail the license to the licensee by
12 first-class mail in a sealed envelope. Upon payment of the fee
13 under subsection (15), a county clerk shall issue a replacement
14 license in person at the time of application for a replacement
15 license. A county clerk ~~may also~~ **shall** deliver a replacement
16 license by first-class mail if the individual submits to the clerk
17 a written request and a copy of the individual's state-issued
18 driver license or personal identification card.

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

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

1 police. The department of state police shall enter into the law
2 enforcement information network that the license was voluntarily
3 surrendered and the date the license was voluntarily surrendered.

4 (22) As used in this section:

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

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

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

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

20 (iv) For an individual who is a corrections officer of a county
21 sheriff's department, his or her employee identification and a
22 letter stating that the individual has received county sheriff
23 approved weapons training.

24 (v) For an individual who is a retired corrections officer of
25 a county sheriff's department, a letter from the county sheriff's
26 office stating that the retired corrections officer retired in good
27 standing and that the individual has received county sheriff
28 approved weapons training.

29 (vi) For an individual who is a motor carrier officer or

1 capitol security officer of the department of state police, his or
2 her employee identification.

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

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

8 (ix) For an individual who is a parole, probation, or
9 corrections officer, or absconder recovery unit member, of the
10 department of corrections, his or her employee identification and
11 proof that the individual obtained a Michigan department of
12 corrections weapons permit.

13 (x) For an individual who is a retired parole, probation, or
14 corrections officer, or retired absconder recovery unit member, of
15 the department of corrections, a letter from the department of
16 corrections stating that the retired parole, probation, or
17 corrections officer, or retired absconder recovery unit member,
18 retired in good standing and proof that the individual obtained a
19 Michigan department of corrections weapons permit.

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

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

25 (xiii) For a retired federal law enforcement officer, the
26 identification required under the law enforcement officers safety
27 act or a letter from a law enforcement agency stating that the
28 retired federal law enforcement officer retired in good standing.

29 (xiv) For an individual who is a peace officer, his or her

1 employee identification.

2 (b) "Convicted" means a final conviction, the payment of a
3 fine, a plea of guilty or nolo contendere if accepted by the court,
4 or a finding of guilt for a criminal law violation or a juvenile
5 adjudication or disposition by the juvenile division of probate
6 court or family division of circuit court for a violation that if
7 committed by an adult would be a crime.

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

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

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

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

28 Sec. 5l. (1) A license to carry a concealed pistol, including a
29 renewal license, is valid until the applicant's date of birth that

1 falls not less than 4 years or more than 5 years after the license
2 is issued or renewed, as applicable. The county clerk **that issued**
3 **the licensee's current license** shall notify the licensee that his
4 or her license is about to expire and may be renewed as provided in
5 this section. The notification must be sent by the county clerk to
6 the last known address of the licensee as shown on the records of
7 the county clerk. The notification must be sent in a sealed
8 envelope by first-class mail not less than 3 months or more than 6
9 months before the expiration date of the current license. Except as
10 provided in this section, a renewal of a license under section 5b
11 must be issued in the same manner as an original license issued
12 under section 5b. An applicant is eligible for a renewal of a
13 license under this section if his or her license is not expired, or
14 expired within a 1-year period before the date of application under
15 this section. Each applicant who submits an application for a
16 renewal license to a county clerk under this section shall pay an
17 application and licensing fee of \$115.00 by any method of payment
18 accepted by that county for payments of other fees and penalties.
19 No other charge, fee, cost, or assessment, including any local
20 charge, fee, cost, or assessment, is required of the applicant
21 except as specifically authorized in this act. The applicant shall
22 pay the application and licensing fee to the county. The county
23 treasurer shall deposit \$36.00 of each fee collected under this
24 subsection in the concealed pistol licensing fund of that county
25 created in section 5x. The county treasurer shall forward the
26 balance remaining to the state treasurer. The state treasurer shall
27 deposit the balance of the fee in the general fund to the credit of
28 the department of state police.

29 (2) Subject to subsections (9) and (10), an application to

1 renew a license to carry a concealed pistol may be submitted not
2 more than 6 months before the expiration of the current license. ~~No~~
3 ~~later than December 1, 2018, the~~ **The** department of state police
4 shall provide a system for an applicant to submit his or her
5 application to renew a license to carry a concealed pistol online
6 or by first-class mail and shall accept those applications on
7 behalf of the county clerk as required under this act at no
8 additional charge. Each applicant who submits a renewal license
9 online or by first-class mail to the department of state police
10 under this section shall pay an application and licensing fee of
11 \$115.00 by any method of payment accepted by the department of
12 state police. No other charge, fee, cost, or assessment is required
13 of the applicant except as specifically authorized in this act. The
14 applicant shall pay the application and licensing fee to the state.
15 The state treasurer shall forward \$36.00 of each fee collected
16 under this subsection to the county treasurer **of the county where**
17 **the license is being renewed** who shall deposit the \$36.00 in the
18 concealed pistol licensing fund of that county created in section
19 5x. The state treasurer shall deposit the balance of the fee in the
20 general fund to the credit of the department of state police. The
21 department of state police shall notify the county clerk of the
22 county in which the applicant resides of a properly submitted
23 online application or application by first-class mail received by
24 the department. If the county clerk issues a renewal license under
25 this section, the county clerk shall send the license to the
26 licensee by first-class mail in a sealed envelope. If the county
27 clerk issues the renewal, the effective date of the renewal license
28 is the date of expiration of the current license or the date of
29 approval or issue of the renewal, whichever is later, and the date

1 of expiration is the applicant's date of birth which is not less
2 than 4 years or more than 5 years from the effective date of the
3 license.

4 (3) The department of state police shall complete the
5 verification required under section 5b(6) and the county clerk
6 shall issue a renewal license or a notice of statutory
7 disqualification within 30 days after the date the renewal
8 application was received. Beginning on the date the department of
9 state police establishes a system under subsection (2), the
10 department of state police shall provide an applicant a digital
11 receipt, or a receipt by first-class mail if requested, for his or
12 her renewal application submitted online at the time the
13 application is received by the department of state police.
14 Beginning on the date the department of state police establishes a
15 system under subsection (2), the department of state police shall
16 mail an applicant a receipt by first-class mail for his or her
17 renewal application submitted by first-class mail at the time the
18 application is received by the department of state police. The
19 receipt issued under this subsection to an individual applying for
20 a renewal license whose current license is not expired at the time
21 of application must contain all of the following:

22 (a) The name of the applicant.

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

24 (c) The amount paid.

25 (d) The applicant's state-issued driver license or personal
26 identification card number.

27 (e) The statement "This receipt was issued for the purpose of
28 renewal of a concealed pistol license. As provided in section 5/ of
29 1927 PA 372, MCL 28.425/, this receipt shall serve as a concealed

1 pistol license for the individual named in the receipt when carried
2 with the expired license and is valid until a license or notice of
3 statutory disqualification is issued by the county clerk. This
4 receipt does not exempt the individual named in the receipt from
5 complying with all applicable laws for the purchase of firearms.".

6 (f) The name of the county in which the receipt is issued, if
7 applicable.

8 (g) An impression of the county seal, if applicable.

9 (4) The receipt issued under subsection (3) to an individual
10 applying for a renewal license whose license is expired must
11 contain all of the following:

12 (a) The name of the applicant.

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

14 (c) The amount paid.

15 (d) The applicant's state-issued driver license or personal
16 identification card number.

17 (e) The statement "This receipt was issued for the purpose of
18 renewal of a concealed pistol license. As provided in section 5/ of
19 1927 PA 372, MCL 28.425/, if a license or notice of statutory
20 disqualification is not issued within 30 days after the date this
21 receipt was issued, this receipt shall serve as a concealed pistol
22 license for the individual named in the receipt when carried with
23 an official state-issued driver license or personal identification
24 card. The receipt is valid as a license until a license or a notice
25 of statutory disqualification is issued by the county clerk. This
26 receipt does not exempt the individual named in the receipt from
27 complying with all applicable laws for the purchase of firearms.".

28 ~~(5) Until November 30, 2018, a member of the United States~~
29 ~~Armed Forces, the United States Armed Forces Reserve, or the~~

~~Michigan National Guard who is on orders to a duty station outside of this state may submit his or her application to renew a license to carry a concealed pistol by first-class mail, containing the required fee, a notarized application, the licensee's address of record within the state, the licensee's orders to report to a duty station outside of this state, and if the licensee desires to have his or her application receipt, renewal license, or any other notices mailed to his or her address of assignment or deployment, a letter requesting that action including the address of assignment or deployment. If the county clerk issues a renewal license under this section, the county clerk shall send the license to the licensee by first-class mail in a sealed envelope. If the licensee is a member of the United States Armed Forces, the United States Armed Forces Reserve, or the Michigan National Guard who is on orders to a duty station outside of this state and requests that his or her license be sent to the address of assignment or deployment, the county clerk shall mail the license to the licensee at the address of assignment or deployment provided in the renewal application. Until November 30, 2018, if a renewal application is submitted by a member of the United States Armed Forces, the United States Armed Forces Reserve, or the Michigan National Guard who is on orders to a duty station outside of this state, the county clerk shall mail a receipt to the licensee by first-class mail.~~**If an individual renews a license with a county clerk that did not issue the licensee's current license, that county clerk shall process the renewal application and issue the renewal license if the individual resides in that county, resides in a contiguous county, or has a primary place of business in that county.**

(6) If an individual applies for a renewal license before the

1 expiration of his or her license, the expiration date of the
2 current license is extended until the renewal license or notice of
3 statutory disqualification is issued. The county clerk shall notify
4 the department of state police in a manner prescribed by the
5 department of state police after he or she receives an application
6 for renewal. The department of state police shall immediately enter
7 into the law enforcement information network the date that
8 application for renewal was submitted and that the renewal
9 application is pending.

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

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

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

1 of this subsection. An applicant is not required to verify the
2 statements made under this subsection and is not required to obtain
3 a certificate or undergo training other than as required by this
4 subsection.

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

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

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