

SENATE BILL NO. 857

February 08, 2022, Introduced by Senators GEISS, BAYER, MCMORROW, HOLLIER, WOJNO, MCCANN, IRWIN, POLEHANKI, ALEXANDER, BULLOCK, CHANG, BRINKS, MOSS and ANANICH and referred to the Committee on Government Operations.

A bill to amend 1927 PA 372, entitled

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

and parts of acts inconsistent with this act,"
 by amending sections 2, 2b, and 5b (MCL 28.422, 28.422b, and
 28.425b), section 2 as amended by 2015 PA 200, section 2b as
 amended by 2014 PA 205, and section 5b as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
 2 shall not purchase, carry, possess, or transport a pistol in this
 3 state without first having obtained a license for the pistol as
 4 prescribed in this section.

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

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

24 (a) The ~~person~~ **individual** is not subject to an order or

disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network under any of the following:

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

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

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

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

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

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

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

(viii) The extreme risk protection order act.

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

(c) The ~~person~~**individual** is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, ~~a person~~**an individual** is considered a legal resident of this state if any of the following apply:

(i) The ~~person~~**individual** has a valid, lawfully obtained

1 Michigan driver license issued under the Michigan vehicle code,
2 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
3 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

4 (ii) The ~~person~~**individual** is lawfully registered to vote in
5 this state.

6 (iii) The ~~person~~**individual** is on active duty status with the
7 United States ~~armed forces~~**Armed Forces** and is stationed outside of
8 this state, but the ~~person's~~**individual's** home of record is in this
9 state.

10 (iv) The ~~person~~**individual** is on active duty status with the
11 United States ~~armed forces~~**Armed Forces** and is permanently
12 stationed in this state, but the ~~person's~~**individual's** home of
13 record is in another state.

14 (d) A felony charge or a criminal charge listed in section 5b
15 against the ~~person~~**individual** is not pending at the time of
16 application.

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

21 (f) The ~~person~~**individual** has not been adjudged insane in this
22 state or elsewhere unless he or she has been adjudged restored to
23 sanity by court order.

24 (g) The ~~person~~**individual** is not under an order of involuntary
25 commitment in an inpatient or outpatient setting due to mental
26 illness.

27 (h) The ~~person~~**individual** has not been adjudged legally
28 incapacitated in this state or elsewhere. This subdivision does not
29 apply to ~~a person~~**an individual** who has had his or her legal

1 capacity restored by order of the court.

2 (4) ~~Applications~~ **An applicant shall sign an application** for
 3 ~~licenses~~ **a license** under this section ~~and shall be signed by the~~
 4 ~~applicant~~ **sign the application** under oath ~~upon forms on a form~~
 5 provided by the director of the department of state police.
 6 ~~Licenses~~ **A licensing authority shall issue a license** to purchase,
 7 carry, possess, or transport pistols ~~shall be executed in~~
 8 triplicate ~~upon forms on a form~~ provided by the director of the
 9 department of state police. ~~and shall be signed by the~~ **The**
 10 licensing authority **shall sign any license issued under this**
 11 **section.** ~~Three~~ **The licensing authority shall deliver 3** copies of
 12 the license ~~shall be delivered to the applicant. by the licensing~~
 13 ~~authority.~~ A license is void unless used within 30 days after the
 14 date it is issued.

15 (5) If an individual purchases or otherwise acquires a pistol,
 16 the seller shall fill out the license forms describing the pistol,
 17 together with the date of sale or acquisition, and sign his or her
 18 name in ink indicating that the pistol was sold to or otherwise
 19 acquired by the purchaser. The purchaser shall also sign his or her
 20 name in ink indicating the purchase or other acquisition of the
 21 pistol from the seller. The seller may retain a copy of the license
 22 as a record of the transaction. The purchaser ~~shall~~ **must** receive 2
 23 copies of the license. The purchaser shall return 1 copy of the
 24 license to the licensing authority within 10 days after the date
 25 the pistol is purchased or acquired. The **purchaser may** return ~~of~~
 26 the copy to the licensing authority ~~may be made in person or may be~~
 27 ~~made by~~ first-class mail or certified mail sent within the 10-day
 28 period to the proper address of the licensing authority. A
 29 purchaser who fails to comply with the requirements of this

1 subsection is responsible for a state civil infraction and may be
2 fined not more than \$250.00. If a purchaser is found responsible
3 for a state civil infraction under this subsection, the court shall
4 notify the department of state police of that determination.

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

1 (7) This section does not apply to the purchase of pistols
2 from wholesalers by dealers regularly engaged in the business of
3 selling pistols at retail, or to the sale, barter, or exchange of
4 pistols kept as relics or curios not made for modern ammunition or
5 permanently deactivated.

6 (8) This section does not prevent the transfer of ownership of
7 pistols to an heir or devisee, whether by testamentary bequest or
8 by the laws of intestacy regardless of whether the pistol is
9 registered with this state. An individual who has inherited a
10 pistol shall obtain a license as required in this section within 30
11 days of taking physical possession of the pistol. The license may
12 be signed by a next of kin of the decedent or the person authorized
13 to dispose of property under the estates and protected individuals
14 code, 1998 PA 386, MCL 700.1101 to 700.8206, including when the
15 next of kin is the individual inheriting the pistol. If the heir or
16 devisee is not qualified for a license under this section, the heir
17 or devisee may direct the next of kin or person authorized to
18 dispose of property under the estates and protected individuals
19 code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose of the
20 pistol in any manner that is lawful and the heir or devisee
21 considers appropriate. The person authorized to dispose of property
22 under the estates and protected individuals code, 1998 PA 386, MCL
23 700.1101 to 700.8206, is not required to obtain a license under
24 this section if he or she takes temporary lawful possession of the
25 pistol in the process of disposing of the pistol pursuant to the
26 decedent's testamentary bequest or the laws of intestacy. A law
27 enforcement agency may not seize or confiscate a pistol being
28 transferred by testamentary bequest or the laws of intestacy unless
29 the heir or devisee does not qualify for obtaining a license under

1 this section and the next of kin or person authorized to dispose of
 2 property under the estates and protected individuals code, 1998 PA
 3 386, MCL 700.1101 to 700.8206, is unable to retain his or her
 4 temporary possession of the pistol or find alternative lawful
 5 storage. If a law enforcement agency seizes or confiscates a pistol
 6 under this subsection, the heir or devisee who is not qualified to
 7 obtain a license under this section retains ownership interest in
 8 the pistol and, within 30 days of being notified of the seizure or
 9 confiscation, may file with a court of competent jurisdiction to
 10 direct the law enforcement agency to lawfully transfer or otherwise
 11 dispose of the pistol. **A-The seizing entity or its agents shall not**
 12 **destroy, sell, or use a** pistol seized under this subsection ~~shall~~
 13 ~~not be destroyed, sold, or used while in possession of the seizing~~
 14 ~~entity or its agents~~ until 30 days have passed since the heir or
 15 devisee has been notified of the seizure and no legal action
 16 regarding the lawful possession or ownership of the seized pistol
 17 has been filed in any court and is pending. As used in this
 18 subsection:

19 (a) "Devisee" means that term as defined in section 1103 of
 20 the estates and protected individuals code, 1998 PA 386, MCL
 21 700.1103.

22 (b) "Heir" means that term as defined in section 1104 of the
 23 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

24 (9) An individual who is not a resident of this state is not
 25 required to obtain a license under this section if all of the
 26 following conditions apply:

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

29 (b) The individual is in possession of the license described

1 in subdivision (a).

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

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

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

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

12 (11) The licensing authority may require ~~a person~~**an**
13 **individual** claiming active duty status with the United States ~~armed~~
14 ~~forces~~**Armed Forces** to provide proof of 1 or both of the following:

15 (a) The ~~person's~~**individual's** home of record.

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

17 (12) This section does not apply to ~~a person~~**an individual** who
18 is younger than the age required under subsection (3) (b) and who
19 possesses a pistol if all of the following conditions apply:

20 (a) The ~~person~~**individual** is not otherwise prohibited from
21 possessing that pistol.

22 (b) The ~~person~~**individual** is at a recognized target range.

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

25 (d) The ~~person~~**individual** is in the physical presence and
26 under the direct supervision of any of the following:

27 (i) The ~~person's~~**individual's** parent.

28 (ii) The ~~person's~~**individual's** guardian.

29 (iii) An individual who is 21 years of age or older, who is

1 authorized by the ~~person's~~**individual's** parent or guardian, and who
2 has successfully completed a pistol safety training course or class
3 that meets the requirements of section 5j(1)(a), (b), or (d), and
4 received a certificate of completion.

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

6 (13) This section does not apply to ~~a person~~**an individual** who
7 possesses a pistol if all of the following conditions apply:

8 (a) The ~~person~~**individual** is not otherwise prohibited from
9 possessing a pistol.

10 (b) The ~~person~~**individual** is at a recognized target range or
11 shooting facility.

12 (c) The ~~person~~**individual** possesses the pistol for the purpose
13 of target practice or instruction in the safe use of a pistol.

14 (d) The owner of the pistol is physically present and
15 supervising the use of the pistol.

16 (14) A person ~~who~~**that** forges any matter on an application for
17 a license under this section is guilty of a felony, punishable by
18 imprisonment for not more than 4 years or a fine of not more than
19 \$2,000.00, or both.

20 (15) A licensing authority shall implement this section during
21 all of the licensing authority's normal business hours and shall
22 set hours for implementation that allow an applicant to use the
23 license within the time period set forth in subsection (4).

24 Sec. 2b. (1) Except as provided in subsection (5), upon entry
25 of an order or disposition into the law enforcement information
26 network under any provision of law described in section 2(3)(a),
27 the department of state police shall immediately send written
28 notice of that entry to the ~~person~~**individual** who is the subject of
29 the order or disposition ~~. The notice shall be sent by first-class~~

1 mail to the last known address of the ~~person~~-**individual**. The
2 notice ~~shall~~-**must** include at least all of the following:

3 (a) The name of the ~~person~~-**individual**.

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

6 (c) A statement that the ~~person~~-**individual** cannot obtain a
7 license to purchase a pistol or obtain a concealed weapon license
8 until the order or disposition is removed from the law enforcement
9 information network.

10 (d) A statement that the ~~person~~-**individual** may request that
11 the state police correct or expunge inaccurate information entered
12 into the law enforcement information network.

13 (2) ~~A person~~-**An individual** who is the subject of an order
14 entered into the law enforcement information network under any
15 provision of law described in section 2(3)(a) may request that the
16 department of state police do either of the following:

17 (a) Amend an inaccuracy in the information entered into the
18 law enforcement information network under any provision of law
19 described in section 2(3)(a).

20 (b) Expunge the ~~person's~~-**individual's** name and other
21 information concerning the person from the law enforcement
22 information network regarding 1 or more specific entries in the law
23 enforcement information network under any provision of law
24 described in section 2(3)(a) because 1 or more of the following
25 circumstances exist:

26 (i) The ~~person~~-**individual** is not subject to an order of
27 involuntary commitment in an inpatient or outpatient setting due to
28 mental illness.

29 (ii) The ~~person~~-**individual** is not subject to an order or

1 disposition determining that the ~~person~~**individual** is legally
2 incapacitated.

3 (iii) The ~~person~~**individual** is not subject to a personal
4 protection order issued under any of the following:

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

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

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

10 (iv) The ~~person~~**individual** is not subject to an order for
11 release subject to protective conditions that prohibits the
12 purchase or possession of a firearm by the person issued under
13 section 6b of chapter V of the code of criminal procedure, 1927 PA
14 175, MCL 765.6b.

15 (v) **The individual is not subject to an order issued under the**
16 **extreme risk protection order act.**

17 (3) Before the expiration of 30 days after a request is made
18 to amend an inaccuracy in the law enforcement information network
19 under subsection (2)(a) or to expunge 1 or more specific entries
20 from the law enforcement information network under subsection
21 (2)(b)(i) to ~~(iv), (v)~~, the department of state police shall conduct
22 an investigation concerning the accuracy of the information
23 contained in the law enforcement information network, either grant
24 or deny the request and provide the ~~person~~**individual** with written
25 notice of that grant or denial. ~~A notice of denial~~**The department**
26 **of state police** shall include **in a notice of denial** a statement
27 specifying the basis of the denial, and that ~~a person~~**an individual**
28 may appeal the denial pursuant to the administrative procedures act
29 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

1 (4) If the department of state police ~~refuses~~**denies** a request
2 by ~~a person~~**an individual** for amendment or expunction under
3 subsection (2), or fails to act within 30 days after receiving the
4 request under subsection (2), the ~~person~~**individual** may request a
5 hearing before a hearing officer appointed by the department of
6 state police for a determination of whether information entered
7 into the law enforcement information network should be amended or
8 expunged because it is inaccurate or false. The department of state
9 police shall conduct the hearing pursuant to the administrative
10 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

11 (5) The department of state police shall not send written
12 notice of an entry of an order or disposition into the law
13 enforcement information network as required for a personal
14 protection order issued under section 2950 or 2950a of the revised
15 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, **or**
16 **an extreme risk protection order issued under the extreme risk**
17 **protection order act**, until ~~that~~**the** department has received notice
18 that the respondent of the order has been served with or has
19 received notice of the personal protection order **or extreme risk**
20 **protection order**.

21 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
22 an individual shall apply to the county clerk in the county in
23 which the individual resides. The applicant shall file the
24 application with the county clerk in the county in which the
25 applicant resides during the county clerk's normal business hours.
26 The application must be on a form provided by the director of the
27 department of state police and allow the applicant to designate
28 whether the applicant seeks an emergency license. The applicant
29 shall sign the application under oath. The county clerk or his or

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

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

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

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

29 (d) A statement by the applicant regarding whether he or she

1 has a history of mental illness that would disqualify him or her
2 under subsection (7)(j) to (l) from receiving a license to carry a
3 concealed pistol.

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

7 (i) Any felony.

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

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

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

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

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

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

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

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

29 (6) The department of state police shall verify the

1 requirements of subsection (7)(d), (e), (f), (h), (i), (j), (k),
2 and (m) through the law enforcement information network and the
3 national instant criminal background check system and shall report
4 to the county clerk all statutory disqualifications, if any, under
5 this act that apply to an applicant.

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

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

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

1 considered a legal resident of this state if any of the following
2 apply:

3 (i) The individual has a valid, lawfully obtained driver
4 license issued under the Michigan vehicle code, 1949 PA 300, MCL
5 257.1 to 257.923, or official state personal identification card
6 issued under 1972 PA 222, MCL 28.291 to 28.300.

7 (ii) The individual is lawfully registered to vote in this
8 state.

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

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

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

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

22 (i) Section 464a of the mental health code, 1974 PA 258, MCL
23 330.1464a.

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

26 (iii) Sections 2950 and 2950a of the revised judicature act of
27 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

28 (iv) Section 6b of chapter V of the code of criminal procedure,
29 1927 PA 175, MCL 765.6b, if the order has a condition imposed under

1 section 6b(3) of chapter V of the code of criminal procedure, 1927
2 PA 175, MCL 765.6b.

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

5 **(vi) The extreme risk protection order act.**

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

11 (f) Based solely on the report received from the department of
12 state police under subsection (6), the applicant has never been
13 convicted of a felony in this state or elsewhere, and a felony
14 charge against the applicant is not pending in this state or
15 elsewhere at the time he or she applies for a license described in
16 this section.

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

19 (h) Based solely on the report received from the department of
20 state police under subsection (6), the applicant has not been
21 convicted of a misdemeanor violation of any of the following in the
22 8 years immediately preceding the date of application and a charge
23 for a misdemeanor violation of any of the following is not pending
24 against the applicant in this state or elsewhere at the time he or
25 she applies for a license described in this section:

26 (i) Section 617a (failing to stop when involved in a personal
27 injury accident), section 625 as punishable under subsection (9)(b)
28 of that section (operating while intoxicated, second offense),
29 section 625m as punishable under subsection (4) of that section

(operating a commercial vehicle with alcohol content, second offense), section 626 (reckless driving), or a violation of section 904(1) (operating while license suspended or revoked, second or subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

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

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

(vii) Section 353 of the railroad code of 1993, 1993 PA 354,

1 MCL 462.353, punishable under subsection (4) of that section
2 (operating locomotive under the influence of intoxicating liquor or
3 a controlled substance, or while visibly impaired, second offense).

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

6 (ix) Section 81 (assault or domestic assault), section 81a(1)
7 or (2) (aggravated assault or aggravated domestic assault), section
8 115 (breaking and entering or entering without breaking), section
9 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
10 abuse), section 157b(3)(b) (solicitation to commit a felony),
11 section 215 (impersonating peace officer or medical examiner),
12 section 223 (illegal sale of a firearm or ammunition), section 224d
13 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
14 ~~or possession of a switchblade)~~, section 227c (improper
15 transportation of a loaded firearm), section 229 (accepting a
16 pistol in pawn), section 232a (improperly obtaining a pistol,
17 making a false statement on an application to purchase a pistol, or
18 using false identification to purchase a pistol), section 233
19 (intentionally aiming a firearm without malice), section 234
20 (intentionally discharging a firearm aimed without malice), section
21 234d (possessing a firearm on prohibited premises), section 234e
22 (brandishing a firearm in public), section 234f (possession of a
23 firearm by an individual less than 18 years of age), section 235
24 (intentionally discharging a firearm aimed without malice causing
25 injury), section 235a (parent of a minor who possessed a firearm in
26 a weapon free school zone), section 236 (setting a spring gun or
27 other device), section 237 (possessing a firearm while under the
28 influence of intoxicating liquor or a controlled substance),
29 section 237a (weapon free school zone violation), section 335a

(indecent exposure), section 411h (stalking), or section 520e (fourth degree criminal sexual conduct) of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d, 750.226a, 750.227c, 750.229, 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and 750.520e.

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

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

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

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

(i) Section 625 (operating under the influence), section 625a (refusal of commercial vehicle operator to submit to a chemical test), section 625k (ignition interlock device reporting

violation), section 625l (circumventing an ignition interlock device), or section 625m punishable under subsection (3) of that section (operating a commercial vehicle with alcohol content) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a, 257.625k, 257.625l, and 257.625m.

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

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

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

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

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

1 750.535, and 750.540e.

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

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

11 (k) Based solely on the report received from the department of
12 state police under subsection (6), the applicant is not currently
13 and has never been subject to an order of involuntary commitment in
14 an inpatient or outpatient setting due to mental illness.

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

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

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

26 (8) Upon entry of a court order or conviction of 1 of the
27 enumerated prohibitions for using, transporting, selling,
28 purchasing, carrying, shipping, receiving, or distributing a
29 firearm in this section the department of state police shall

1 immediately enter the order or conviction into the law enforcement
2 information network. For purposes of this act, information of the
3 court order or conviction must not be removed from the law
4 enforcement information network, but may be moved to a separate
5 file intended for the use of the department of state police, the
6 courts, and other government entities as necessary and exclusively
7 to determine eligibility to be licensed under this act.

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

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

12 (a) The name of the individual.

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

14 (c) The amount paid.

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

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

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

29 (10) The fingerprints must be taken, under subsection (9), in

1 a manner prescribed by the department of state police. The county
2 clerk, county sheriff, local police agency, or other entity shall
3 immediately forward the fingerprints taken by that entity to the
4 department of state police for comparison with fingerprints already
5 on file with the department of state police. The department of
6 state police shall immediately forward the fingerprints to the
7 Federal Bureau of Investigation. Within 5 business days after
8 completing the verification under subsection (6), the department
9 shall send the county clerk a list of an individual's statutory
10 disqualifications under this act. Except as provided in section
11 5a(4), the county clerk shall not issue a concealed pistol license
12 until he or she receives the report of statutory disqualifications
13 prescribed in this subsection. If an individual's fingerprints are
14 not classifiable, the department of state police shall, at no
15 charge, take the individual's fingerprints again or provide for the
16 comparisons under this subsection to be conducted through
17 alternative means. The county clerk shall not issue a notice of
18 statutory disqualification because an individual's fingerprints are
19 not classifiable by the Federal Bureau of Investigation.

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

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

27 (13) Subject to subsection (10), the department of state
28 police shall complete the verification required under subsection
29 (6) and the county clerk shall issue a license or a notice of

1 statutory disqualification within 45 days after the date the
2 individual has classifiable fingerprints taken under subsection
3 (9). The county clerk shall include an indication on the license if
4 an individual is exempt from the prohibitions against carrying a
5 concealed pistol on premises described in section 50 if the
6 applicant provides acceptable proof that he or she qualifies for
7 that exemption. If the county clerk receives notice from a county
8 sheriff or chief law enforcement officer that a licensee is no
9 longer a member of a sheriff's posse, an auxiliary officer, or a
10 reserve officer, the county clerk shall notify the licensee that he
11 or she shall surrender the concealed pistol license indicating that
12 the individual is exempt from the prohibitions against carrying a
13 concealed pistol on premises described in section 50. The licensee
14 shall, within 30 days after receiving notice from the county clerk,
15 surrender the license indicating that the individual is exempt from
16 the prohibitions against carrying a concealed pistol on premises
17 described in section 50 and obtain a replacement license after
18 paying the fee required under subsection (15). If the county clerk
19 issues a notice of statutory disqualification, the county clerk
20 shall within 5 business days do all of the following:

21 (a) Inform the individual in writing of the reasons for the
22 denial or disqualification. Information under this subdivision
23 ~~shall~~**must** include all of the following:

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

25 (ii) The source of the record for each statutory
26 disqualification identified.

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

29 (b) Inform the individual in writing of his or her right to

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

3 (c) Inform the individual that he or she should contact the
4 source of the record for any statutory disqualification to correct
5 any errors in the record resulting in the statutory
6 disqualification.

7 (14) If a license or notice of statutory disqualification is
8 not issued under subsection (13) within 45 days after the date the
9 individual has classifiable fingerprints taken under subsection
10 (9), the receipt issued under subsection (9) serves as a concealed
11 pistol license for purposes of this act when carried with a state-
12 issued driver license or personal identification card and is valid
13 until a license or notice of statutory disqualification is issued
14 by the county clerk.

15 (15) If an individual licensed under this act to carry a
16 concealed pistol moves to a different county within this state, his
17 or her license remains valid until it expires or is otherwise
18 suspended or revoked under this act. An individual may notify a
19 county clerk that he or she has moved to a different address within
20 this state for the purpose of receiving the notice under section
21 5l(1). A license to carry a concealed pistol that is lost, stolen,
22 defaced, or replaced for any other reason may be replaced by the
23 issuing county clerk for a replacement fee of \$10.00. A county
24 clerk shall deposit a replacement fee under this subsection in the
25 concealed pistol licensing fund of that county created in section
26 5x.

27 (16) If a license issued under this act is suspended or
28 revoked, the license is forfeited and the individual shall return
29 the license to the county clerk forthwith by mail or in person. The

1 county clerk shall retain a suspended or revoked license as an
2 official record 1 year after the expiration of the license, unless
3 the license is reinstated or a new license is issued. The county
4 clerk shall notify the department of state police if a license is
5 suspended or revoked. The department of state police shall enter
6 that suspension or revocation into the law enforcement information
7 network. An individual who fails to return a license as required
8 under this subsection after he or she was notified that his or her
9 license was suspended or revoked is guilty of a misdemeanor
10 punishable by imprisonment for not more than 93 days or a fine of
11 not more than \$500.00, or both.

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

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

22 (19) A county clerk issuing an initial license or renewal
23 license under this act shall mail the license to the licensee by
24 first-class mail in a sealed envelope. Upon payment of the fee
25 under subsection (15), a county clerk shall issue a replacement
26 license in person at the time of application for a replacement
27 license. A county clerk may also deliver a replacement license by
28 first-class mail if the individual submits to the clerk a written
29 request and a copy of the individual's state-issued driver license

1 or personal identification card.

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

7 (21) An individual licensed under this act to carry a
8 concealed pistol may voluntarily surrender that license without
9 explanation. A county clerk shall retain a surrendered license as
10 an official record for 1 year after the license is surrendered. If
11 an individual voluntarily surrenders a license under this
12 subsection, the county clerk shall notify the department of state
13 police. The department of state police shall enter into the law
14 enforcement information network that the license was voluntarily
15 surrendered and the date the license was voluntarily surrendered.

16 (22) As used in this section:

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

18 (i) For a retired police officer or retired law enforcement
19 officer, the officer's retired identification or a letter from a
20 law enforcement agency stating that the retired police officer or
21 law enforcement officer retired in good standing.

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

28 (iii) For an individual who is licensed as a private
29 investigator or private detective under the professional

1 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,
2 his or her license.

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

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

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

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

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

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

25 (x) For an individual who is a retired parole, probation, or
26 corrections officer, or retired absconder recovery unit member, of
27 the department of corrections, a letter from the department of
28 corrections stating that the retired parole, probation, or
29 corrections officer, or retired absconder recovery unit member,

1 retired in good standing and proof that the individual obtained a
2 Michigan department of corrections weapons permit.

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

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

8 (xiii) For a retired federal law enforcement officer, the
9 identification required under ~~the law enforcement officers safety~~
10 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
11 that the retired federal law enforcement officer retired in good
12 standing.

13 (xiv) For an individual who is a peace officer, his or her
14 employee identification.

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.

28 (d) "Mental illness" means a substantial disorder of thought
29 or mood that significantly impairs judgment, behavior, capacity to

1 recognize reality, or ability to cope with the ordinary demands of
2 life, and includes, but is not limited to, clinical depression.

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 856 of the 101st Legislature is enacted into
14 law.