

HOUSE BILL No. 5683

February 20, 2002, Introduced by Reps. Cameron Brown, Middaugh, Hummel, Kuipers, Rocca, Julian, Birkholz, Drolet, Gosselin, Jelinek, Pappageorge, Tabor, Richardville, Vear, Patterson and Mortimer and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 5j, 5l, and 5o (MCL 28.425j, 28.425l, and 28.425o), as added by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5j. (1) A pistol training or safety program described
2 in section 5b(7)(n) meets the requirements for knowledge or
3 training in the safe use and handling of a pistol only if all of
4 the following conditions are met:

1 (a) The program is certified by this state or a national or
2 state firearms training organization and provides instruction in,
3 but is not limited to providing instruction in, all of the
4 following:

5 (i) The safe storage, use, and handling of a pistol includ-
6 ing, but not limited to, safe storage, use, and handling to pro-
7 tect child safety.

8 (ii) Ammunition knowledge, and the fundamentals of pistol
9 shooting.

10 (iii) Pistol shooting positions.

11 (iv) Firearms and the law, including civil liability
12 issues.

13 (v) Avoiding criminal attack and controlling a violent
14 confrontation.

15 (vi) All laws that apply to carrying a concealed pistol in
16 this state.

17 (vii) At least 8 hours of instruction, including 3 hours of
18 firing range time.

19 (b) The program provides a certificate of completion that
20 states the program complies with the requirements of this section
21 and that the individual successfully completed the course, and
22 that is signed by the course instructor.

23 (c) The instructor of the course is certified by this state
24 or a national organization to teach the 8-hour pistol safety
25 training course described in this section.

26 (2) A person shall not do either of the following:

1 (a) Grant a certificate of completion described under
2 subsection (1)(b) to an individual knowing the individual did not
3 satisfactorily complete the course.

4 (b) Present a certificate of completion described under sub-
5 section (1)(b) to a concealed weapon licensing board knowing that
6 the individual did not satisfactorily complete the course.

7 (3) A person who violates subsection (2) is guilty of a
8 felony punishable by imprisonment for not more than 4 years or a
9 fine of not more than \$2,500.00, or both.

10 (4) THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) AND
11 SUBSECTION (1) DO NOT APPLY TO A PEACE OFFICER OR FORMER PEACE
12 OFFICER.

13 (5) AS USED IN THIS SECTION:

14 (A) "FORMER PEACE OFFICER" MEANS AN INDIVIDUAL WHO WAS
15 EMPLOYED AS A PEACE OFFICER BUT HAS RETIRED OR OTHERWISE DISCON-
16 TINUED HIS OR HER SERVICE AS A PEACE OFFICER AND WHO IS OTHERWISE
17 ELIGIBLE TO OBTAIN A LICENSE UNDER THIS ACT TO CARRY A CONCEALED
18 PISTOL.

19 (B) "PEACE OFFICER" MEANS AN INDIVIDUAL WHO IS CERTIFIED AS
20 A PEACE OFFICER BY THE COMMISSION ON LAW ENFORCEMENT STANDARDS
21 AND WHO IS EMPLOYED FULL-TIME AS A PEACE OFFICER BY THIS STATE OR
22 A POLITICAL SUBDIVISION OF THIS STATE.

23 Sec. 5/. (1) A license to carry a concealed pistol is valid
24 for 3 years and may be renewed in the same manner as the original
25 license was received, except as follows:

1 (a) The renewal fee is \$35.00. The fee shall be payable to
2 the county. The county treasurer shall deposit the fee in the
3 general fund of the county.

4 (b) For an individual who ~~held a general nonrestricted~~
5 ~~license on July 1, 2001 and who was~~ IS a peace officer or ~~a~~
6 former peace officer, the educational requirements of section
7 5b(7)(n) are waived. For an individual licensed on or after July
8 1, 2001, the educational requirements of section 5b(7)(n) are
9 waived except that the applicant shall present a statement signed
10 by the applicant certifying that he or she has completed not less
11 than 3 hours of review of the training described under
12 section 5b(7)(n) since receiving his or her license, and that
13 training included firing range time in the 6 months immediately
14 preceding his or her renewal application. For any other individ-
15 ual licensed before July 1, 2001 applying for the first time
16 under this section to renew his or her license to carry a con-
17 cealed pistol, the educational requirements of section 5b(7)(n)
18 are not waived.

19 (2) An individual licensed to carry a concealed pistol under
20 this act on July 1, 2001 is eligible for a renewal license at the
21 fee provided for under this section. This subsection applies
22 regardless of whether the license was restricted.

23 (3) AS USED IN THIS SECTION:

24 (A) "FORMER PEACE OFFICER" MEANS AN INDIVIDUAL WHO WAS
25 EMPLOYED AS A PEACE OFFICER BUT HAS RETIRED OR OTHERWISE DISCON-
26 TINUED HIS OR HER SERVICE AS A PEACE OFFICER AND WHO IS OTHERWISE

1 ELIGIBLE TO OBTAIN A LICENSE UNDER THIS ACT TO CARRY A CONCEALED
2 PISTOL.

3 (B) "PEACE OFFICER" MEANS AN INDIVIDUAL WHO IS CERTIFIED AS
4 A PEACE OFFICER BY THE COMMISSION ON LAW ENFORCEMENT STANDARDS
5 AND WHO IS EMPLOYED FULL-TIME AS A PEACE OFFICER BY THIS STATE OR
6 A POLITICAL SUBDIVISION OF THIS STATE.

7 Sec. 5o. (1) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (4), AN
8 individual licensed under this act to carry a concealed pistol,
9 or who is exempt from licensure under section 12a(f), shall not
10 carry a concealed pistol on the premises of any of the
11 following:

12 (a) A school or school property except that a parent or
13 legal guardian of a student of the school is not precluded from
14 carrying a concealed pistol while in a vehicle on school proper-
15 ty, if he or she is dropping the student off at the school or
16 picking up the child from the school. As used in this section,
17 "school" and "school property" mean those terms as defined in
18 section 237a of the Michigan penal code, 1931 PA 328,
19 MCL 750.237a.

20 (b) A public or private day care center, public or private
21 child caring agency, or public or private child placing agency.

22 (c) A sports arena or stadium.

23 (d) A dining room, lounge, or bar area of a premises
24 licensed under the Michigan liquor control code of 1998, 1998
25 PA 58, MCL 436.1101 to 436.2303. This subdivision ~~shall~~ DOES
26 not apply to an owner or employee of the premises.

1 (e) Any property or facility owned or operated by a church,
2 synagogue, mosque, temple, or other place of worship, unless the
3 presiding official or officials of the church, synagogue, mosque,
4 temple, or other place of worship permit the carrying of con-
5 cealed pistol on that property or facility.

6 (f) An entertainment facility that the individual knows or
7 should know has a seating capacity of 2,500 or more individuals
8 or that has a sign above each public entrance stating in letters
9 not less than 1-inch high a seating capacity of 2,500 or more
10 individuals.

11 (g) A hospital.

12 (h) A dormitory or classroom of a community college, col-
13 lege, or university.

14 (2) An individual licensed under this act to carry a con-
15 cealed pistol, or who is exempt from licensure under section
16 12a(f), shall not carry a concealed pistol in violation of
17 R 432.1212 or a successor rule of the Michigan administrative
18 code promulgated pursuant to the Michigan gaming control and rev-
19 enue act, the initiated law of 1996, MCL 432.201 to 432.226.

20 (3) An individual who violates this section is responsible
21 for a civil violation OR IS guilty of a crime as follows:

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

26 (b) For a second violation the individual is guilty of a
27 misdemeanor punishable by a fine of not more than \$1,000.00. The

1 court shall order the individual's license to carry a concealed
2 pistol revoked.

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

8 (4) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE
9 FOLLOWING:

10 (A) A RESERVE OR PART-TIME PEACE OFFICER PERFORMING HIS OR
11 HER DUTIES AS A RESERVE OR PART-TIME PEACE OFFICER.

12 (B) AN INDIVIDUAL LICENSED AS A PRIVATE DETECTIVE OR A PRI-
13 VATE INVESTIGATOR UNDER THE PRIVATE DETECTIVE LICENSE ACT OF
14 1965, 1965 PA 285, MCL 338.821 TO 338.851, PERFORMING HIS OR HER
15 DUTIES AS A PRIVATE DETECTIVE OR A PRIVATE INVESTIGATOR IN COM-
16 PLIANCE WITH THAT ACT.