

**SUBSTITUTE FOR  
SENATE BILL NO. 59**

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 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5m, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425m, 28.425o, and 28.428), section 1 as amended by 2012 PA 243, section 2a as amended by 2010 PA 210, section 4 as added by

1992 PA 219, sections 5, 5a, 5e, and 5m as added by 2000 PA 381, sections 5b and 8 as amended by 2008 PA 406, sections 5c and 5d as amended by 2002 PA 719, sections 5f, 5k, and 5o as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, and section 5l as amended by 2012 PA 32, and by adding section 5x; and to repeal acts and parts of acts.

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

1           Sec. 1. (1) As used in this act:

2           (a) "Felony" means that term as defined in section 1 of  
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL  
4 761.1, or a violation of a law of the United States or another  
5 state that is designated as a felony or that is punishable by death  
6 or by imprisonment for more than 1 year.

7           (b) "Firearm" means a weapon from which a dangerous projectile  
8 may be propelled by an explosive, or by gas or air. Firearm does  
9 not include a smooth bore rifle or handgun designed and  
10 manufactured exclusively for propelling by a spring, or by gas or  
11 air, BBs not exceeding .177 caliber.

12           (c) **"LICENSING AUTHORITY" MEANS, FOR PURPOSES OF ISSUING A  
13 LICENSE TO CARRY A CONCEALED PISTOL ONLY, 1 OF THE FOLLOWING:**

14           (i) **THROUGH APRIL 30, 2013, THE CONCEALED WEAPON LICENSING  
15 BOARD HAVING THE AUTHORITY UNDER THIS ACT TO ISSUE TO AN APPLICANT  
16 A LICENSE TO CARRY A CONCEALED PISTOL.**

17           (ii) **BEGINNING MAY 1, 2013, THE COUNTY SHERIFF HAVING THE  
18 AUTHORITY UNDER THIS ACT TO ISSUE TO AN APPLICANT A LICENSE TO  
19 CARRY A CONCEALED PISTOL.**

20           (d) ~~(e)~~ "Misdemeanor" means a violation of a penal law of this

1 state or violation of a local ordinance substantially corresponding  
2 to a violation of a penal law of this state that is not a felony or  
3 a violation of an order, rule, or regulation of a state agency that  
4 is punishable by imprisonment or a fine that is not a civil fine,  
5 or both.

6 (E) ~~(d)~~—"Peace officer" means, except as otherwise provided in  
7 this act, an individual who is employed as a law enforcement  
8 officer, as that term is defined under section 2 of the commission  
9 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this  
10 state or another state, a political subdivision of this state or  
11 another state, or the United States, and who is required to carry a  
12 firearm in the course of his or her duties as a law enforcement  
13 officer.

14 (F) ~~(e)~~—"Pistol" means a loaded or unloaded firearm that is 26  
15 inches or less in length, or a loaded or unloaded firearm that by  
16 its construction and appearance conceals it as a firearm.

17 (G) ~~(f)~~—"Purchaser" means a person who receives a pistol from  
18 another person by purchase or gift.

19 (H) ~~(g)~~—"Reserve peace officer", "auxiliary officer", or  
20 "reserve officer" means, except as otherwise provided in this act,  
21 an individual authorized on a voluntary or irregular basis by a  
22 duly authorized police agency of this state or a political  
23 subdivision of this state to act as a law enforcement officer, who  
24 is responsible for the preservation of the peace, the prevention  
25 and detection of crime, and the enforcement of the general criminal  
26 laws of this state, and who is otherwise eligible to possess a  
27 firearm under this act.

1           (I) ~~(h)~~—"Retired police officer" or "retired law enforcement  
2 officer" means an individual who was a police officer or law  
3 enforcement officer who was certified as described under section 9a  
4 of the commission on the law enforcement standards act, 1965 PA  
5 203, MCL 28.609a, and retired in good standing from his or her  
6 employment as a police officer or law enforcement officer.

7           (J) ~~(i)~~—"Seller" means a person who sells or gives a pistol to  
8 another person.

9           (K) ~~(j)~~—"State court judge" means a judge of the district  
10 court, circuit court, probate court, or court of appeals or justice  
11 of the supreme court of this state who is serving either by  
12 election or appointment.

13           (L) ~~(k)~~—"State court retired judge" means a judge or justice  
14 described in subdivision ~~(j)~~—(K) who is retired, or a retired judge  
15 of the recorders court.

16           (2) A person may lawfully own, possess, carry, or transport as  
17 a pistol a firearm greater than 26 inches in length if all of the  
18 following conditions apply:

19           (a) The person registered the firearm as a pistol under  
20 section 2 or 2a before January 1, 2013.

21           (b) The person who registered the firearm as described in  
22 subdivision (a) has maintained registration of the firearm since  
23 January 1, 2013 without lapse.

24           (c) The person possesses a copy of the license or record  
25 issued to him or her under section 2 or 2a.

26           (3) A person who satisfies all of the conditions listed under  
27 subsection (2) nevertheless may elect to have the firearm not be

1 considered to be a pistol. A person who makes the election under  
2 this subsection shall notify the department of state police of the  
3 election in a manner prescribed by that department.

4       Sec. 2a. (1) An individual who is licensed under section 5b to  
5 carry a concealed pistol or who is a federally licensed firearms  
6 dealer is not required to obtain a license under section 2 to  
7 purchase, carry, possess, or transport a pistol.

8       (2) If an individual licensed under section 5b or a federally  
9 licensed firearms dealer purchases or otherwise acquires a pistol,  
10 the seller shall complete a record in quadruplicate on a form  
11 provided by the department of state police. The record shall  
12 include the purchaser's concealed weapon license number or, if the  
13 purchaser is a federally licensed firearms dealer, his or her  
14 dealer license number. The purchaser shall sign the record. The  
15 seller may retain 1 copy of the record. The purchaser shall receive  
16 3 copies of the record and forward 2 copies to the police  
17 department of the city, village, or township in which the purchaser  
18 resides, or, if the purchaser does not reside in a city, village,  
19 or township having a police department, to the county sheriff,  
20 within 10 days following the purchase or acquisition. The return of  
21 the copies to the police department or county sheriff may be made  
22 in person or may be made by first-class mail or certified mail sent  
23 within the 10-day period to the proper address of the police  
24 department or county sheriff. A purchaser who fails to comply with  
25 the requirements of this subsection is responsible for a state  
26 civil infraction and may be fined not more than \$250.00. If a  
27 purchaser is found responsible for a state civil infraction under

1 this subsection, the court shall notify the department of state  
2 police. If the purchaser is licensed under section 5b, the court  
3 shall notify the ~~concealed weapon licensing board that issued the~~  
4 ~~license~~ **LICENSING AUTHORITY** of that determination.

5 (3) Within 48 hours after receiving the record copies returned  
6 under subsection (2), the police department or county sheriff shall  
7 forward 1 copy of the record to the department of state police. ~~The~~  
8 ~~police department or county sheriff shall retain the other copy of~~  
9 ~~the record as an official record for not less than 6 years.~~ Within  
10 10 days after receiving the record copies returned under subsection  
11 (2), the police department or county sheriff shall electronically  
12 enter the information into the pistol entry database as required by  
13 the department of state police if it has the ability to  
14 electronically enter that information. If the police department or  
15 county sheriff does not have that ability, the police department or  
16 county sheriff shall provide that information to the department of  
17 state police in a manner otherwise required by the department of  
18 state police. Any police department or county sheriff that provided  
19 pistol descriptions to the department of state police under former  
20 section 9 of this act shall continue to provide pistol descriptions  
21 to the department of state police under this subsection. The  
22 purchaser has the right to obtain a copy of the information placed  
23 in the pistol entry database under this subsection to verify the  
24 accuracy of that information. The police department or county  
25 sheriff may charge a fee not to exceed \$1.00 for the cost of  
26 providing the copy. The purchaser may carry, use, possess, and  
27 transport the pistol for 30 days beginning on the date of purchase

1 or acquisition only while he or she is in possession of his or her  
2 copy of the record. However, the person is not required to have the  
3 record in his or her possession while carrying, using, possessing,  
4 or transporting the pistol after this period.

5 (4) This section does not apply to a person or entity exempt  
6 under section 2(7).

7 (5) An individual who makes a material false statement on a  
8 sales record under this section is guilty of a felony punishable by  
9 imprisonment for not more than 4 years or a fine of not more than  
10 \$2,500.00, or both.

11 (6) The department of state police may promulgate rules to  
12 implement this section.

13 (7) As used in this section, "federally licensed firearms  
14 dealer" means an individual who holds a type 01 dealer license  
15 under 18 USC 923.

16 Sec. 4. (1) A person who is prohibited from possessing, using,  
17 transporting, selling, purchasing, carrying, shipping, receiving,  
18 or distributing a firearm under section 224f(2) of the Michigan  
19 penal code, ~~Act No. 328 of the Public Acts of 1931, being section~~  
20 ~~750.224f of the Michigan Compiled Laws, 1931 PA 328, MCL 750.224F,~~  
21 may apply to the ~~concealed weapons licensing board~~ **LICENSING**  
22 **AUTHORITY** in the county in which he or she resides for restoration  
23 of those rights.

24 (2) Not more than 1 application may be submitted under  
25 subsection (1) in any calendar year. The ~~concealed weapons~~  
26 ~~licensing board~~ **LICENSING AUTHORITY** may charge a fee of not more  
27 than \$10.00 for the actual and necessary expenses of each

1 application.

2 (3) The ~~concealed weapons licensing board~~**AUTHORITY** shall, by  
3 written order, ~~of the board,~~ restore the rights of a person to  
4 possess, use, transport, sell, purchase, carry, ship, receive, or  
5 distribute a firearm if the ~~board~~**LICENSING AUTHORITY** determines,  
6 by clear and convincing evidence, that all of the following  
7 circumstances exist:

8 (a) The person properly submitted an application for  
9 restoration of those rights as provided under this section.

10 (b) The expiration of 5 years after all of the following  
11 circumstances:

12 (i) The person has paid all fines imposed for the violation  
13 resulting in the prohibition.

14 (ii) The person has served all terms of imprisonment imposed  
15 for the violation resulting in the prohibition.

16 (iii) The person has successfully completed all conditions of  
17 probation or parole imposed for the violation resulting in the  
18 prohibition.

19 (c) The person's record and reputation are such that the  
20 person is not likely to act in a manner dangerous to the safety of  
21 other persons.

22 (4) If the ~~concealed weapons licensing board~~ pursuant to  
23 **LICENSING AUTHORITY UNDER** subsection (3) refuses to restore a right  
24 under this section, the person may petition the circuit court for  
25 review of that decision.

26 Sec. 5. (1) County sheriffs, local police agencies, and county  
27 clerks shall provide concealed pistol application kits during



1 normal business hours and free of charge to individuals who wish to  
2 apply for licenses to carry concealed pistols. Each kit shall only  
3 contain all of the following:

4 (a) A concealed pistol license application form provided by  
5 the director of the department of state police.

6 (b) The fingerprint cards ~~required~~ under section  
7 ~~5b(11)~~ **5B(10), IF REQUIRED.**

8 (c) Written information regarding the procedures involved in  
9 obtaining a license to carry a concealed pistol, including  
10 information regarding the right to appeal the denial of a license  
11 and the form required for that appeal.

12 (d) Written information identifying entities that offer the  
13 training required under section 5b(7)(c).

14 **(E) REFUND FORMS FOR USE UNDER SECTIONS 5B(14) AND 5/(4).**

15 (2) A county sheriff, local police agency, or county clerk  
16 shall not deny an individual the right to receive a concealed  
17 pistol application kit under this section.

18 (3) An individual who is denied an application kit under this  
19 section and obtains an order of mandamus directing the ~~concealed~~  
20 ~~weapon licensing board~~ **LICENSING AUTHORITY** to provide him or her  
21 with the application kit shall be awarded his or her actual and  
22 reasonable costs and attorney fees for obtaining the order.

23 (4) The department of state police shall provide the  
24 application kits required under this section to county sheriffs,  
25 local law enforcement agencies, and county clerks in sufficient  
26 quantities to meet demand. The department of state police shall not  
27 charge a fee for the kits.

1           Sec. 5a. (1) ~~Each~~**THROUGH APRIL 30, 2013, EACH** county shall  
2 have a concealed weapon licensing board. The concealed weapon  
3 licensing board of each county shall have the following members:

4           (a) The county prosecuting attorney or his or her designee.  
5 However, if the county prosecuting attorney decides that he or she  
6 does not want to be a member of the concealed weapon licensing  
7 board, he or she shall notify the county board of commissioners in  
8 writing that he or she does not want to be a member of the  
9 concealed weapon licensing board for the balance of his or her term  
10 in office. The county board of commissioners shall then appoint a  
11 replacement for the prosecuting attorney who is a firearms  
12 instructor who has the qualifications prescribed in section  
13 5j(1)(c). The person who replaces the prosecuting attorney shall  
14 serve on the concealed weapon licensing board in place of the  
15 prosecuting attorney for the remaining term of the county  
16 prosecuting attorney unless removed for cause by the county board  
17 of commissioners. If a vacancy occurs on the concealed weapon  
18 licensing board of the person appointed pursuant to this section  
19 during the term of office of the county prosecuting attorney, the  
20 county board of commissioners shall appoint a replacement person  
21 who is a firearms instructor who has the qualifications prescribed  
22 in section 5j(1)(c).

23           (b) The county sheriff or his or her designee.

24           (c) The director of the department of state police or his or  
25 her designee.

26           (2) If a prosecuting attorney chooses not to be a member of  
27 the concealed weapon licensing board, all of the following apply:

1 (a) The prosecuting attorney shall be notified of all  
2 applications received by the concealed weapon licensing board.

3 (b) The prosecuting attorney shall be given an opportunity to  
4 object to granting a license to carry a concealed pistol and  
5 present evidence bearing directly on an applicant's suitability to  
6 carry a concealed pistol safely.

7 (c) The prosecuting attorney shall disclose to the concealed  
8 weapon licensing board any information of which he or she has  
9 actual knowledge that bears directly on an applicant's suitability  
10 to carry a concealed pistol safely.

11 (3) The county prosecuting attorney or his or her designee  
12 shall serve as chairperson of the board unless the prosecuting  
13 attorney does not want to be a member of the concealed weapon  
14 licensing board, in which case the concealed weapon licensing board  
15 shall elect its chairperson. Two members of the concealed weapon  
16 licensing board constitute a quorum of the concealed weapon  
17 licensing board. The business of the concealed weapon licensing  
18 board shall be conducted by a majority vote of all of the members  
19 of the concealed weapon licensing board.

20 (4) The county clerk shall serve as the clerk of the ~~concealed~~  
21 ~~weapon licensing board~~. **LICENSING AUTHORITY AND SHALL BE RESPONSIBLE**  
22 **FOR STORING AND MAINTAINING ALL RECORDS RELATED TO THE ISSUANCE OR**  
23 **DENIAL OF A LICENSE.**

24 (5) Except as otherwise provided in this act, the ~~concealed~~  
25 ~~weapon licensing board~~ **LICENSING AUTHORITY** has exclusive authority  
26 to issue, deny, revoke, or suspend a license to carry a concealed  
27 pistol. The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**

1 shall perform other duties as provided by law.

2 (6) The concealed weapon licensing board may convene not more  
3 than 3 panels to assist the board in evaluating applicants. The  
4 panels shall be composed of representatives as prescribed in  
5 subsection (1). The panels do not have the authority to issue,  
6 deny, revoke, or suspend a license. **THE AUTHORITY OF ANY PANEL**  
7 **CONVENED UNDER THIS SUBSECTION SHALL EXPIRE NOT LATER THAN 12**  
8 **MIDNIGHT APRIL 30, 2013.**

9 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
10 may investigate the applicant for a license to carry a concealed  
11 pistol. The investigation shall be restricted to determining only  
12 whether the applicant is eligible under this act to receive a  
13 license to carry a concealed pistol, and the investigation  
14 regarding the issuance of a license shall end after that  
15 determination is made. The ~~concealed weapon licensing board~~  
16 **LICENSING AUTHORITY** may require the applicant to appear before the  
17 ~~board at a mutually agreed upon time for a conference~~ **LICENSING**  
18 **AUTHORITY FOR A CONFERENCE ONLY IF THE LICENSING AUTHORITY HAS**  
19 **REASON TO BELIEVE THAT THE APPLICANT MAY NOT BE QUALIFIED UNDER**  
20 **THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. THE**  
21 **CLERK OF THE LICENSING AUTHORITY SHALL SEND THE NOTIFICATION TO**  
22 **APPEAR AT A CONFERENCE IN A SEALED ENVELOPE DELIVERED BY FIRST-**  
23 **CLASS MAIL SENT TO THE APPLICANT'S ADDRESS AS SHOWN BY THE RECORDS**  
24 **OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL INCLUDE A**  
25 **SPECIFIC STATUTORY CITATION FOR EACH DISQUALIFICATION TO BE**  
26 **ADDRESSED. THE CONFERENCE SHALL BE HELD AT A DATE AND TIME THAT IS**  
27 **MUTUALLY AGREEABLE TO BOTH THE LICENSING AUTHORITY AND THE**

1 **APPLICANT**. The applicant's failure or refusal to appear without  
2 valid reason before the ~~concealed weapon licensing board~~ **LICENSING**  
3 **AUTHORITY** as provided in this subsection is grounds for the ~~board~~  
4 **LICENSING AUTHORITY** to deny issuance of a license to carry a  
5 concealed pistol to that applicant.

6 (8) If the ~~concealed weapon licensing board~~ **LICENSING**  
7 **AUTHORITY** determines there is probable cause to believe the safety  
8 of the applicant or the safety of a member of the applicant's  
9 family is endangered by the applicant's inability to immediately  
10 obtain a license to carry a concealed pistol, the ~~concealed weapon~~  
11 ~~licensing board~~ **LICENSING AUTHORITY** may, pending issuance of a  
12 license, issue a temporary license to the individual to carry a  
13 concealed pistol. A temporary license shall be on a form provided  
14 by the department of state police. A temporary license shall be  
15 unrestricted and shall be valid for not more than 180 days. A  
16 temporary license may be renewed for 1 additional period of not  
17 more than 180 days. A temporary license is, for all other purposes  
18 of this act, a license to carry a concealed pistol.

19 (9) The legislative service bureau shall compile the firearms  
20 laws of this state, including laws that apply to carrying a  
21 concealed pistol, and shall provide copies of the compilation **IN AN**  
22 **ELECTRONIC FORMAT** to each ~~concealed weapon licensing board in this~~  
23 ~~state for distribution under this subsection. A concealed weapon~~  
24 ~~licensing board~~ **THE DEPARTMENT OF THE STATE POLICE. THE DEPARTMENT**  
25 **OF STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED LAWS TO EACH**  
26 **LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY IN**  
27 **THIS STATE TOGETHER WITH INFORMATION REGARDING THE RIGHTS AND**

1 RESPONSIBILITIES OF APPLICANTS, LICENSE HOLDERS, AND LICENSING  
2 AUTHORITIES UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL  
3 ALSO PROVIDE FORMS TO APPEAL ANY DENIAL, SUSPENSION, OR REVOCATION  
4 OF A LICENSE UNDER THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL  
5 DISTRIBUTE COPIES OF THE COMPILATION, INFORMATION, AND FORMS  
6 REQUIRED UNDER THIS SUBSECTION IN ELECTRONIC FORMAT TO EACH  
7 LICENSING AUTHORITY AND THE CLERK OF EACH LICENSING AUTHORITY. THE  
8 CLERK OF A LICENSING AUTHORITY shall distribute a copy of the  
9 compilation, INFORMATION, AND FORMS to each individual who applies  
10 for a license to carry a concealed pistol at the time the  
11 application is submitted. The ~~concealed weapon licensing board~~  
12 CLERK OF A LICENSING AUTHORITY shall require the applicant to sign  
13 a written statement acknowledging that he or she has received a  
14 copy of the compilation, INFORMATION, AND FORMS PROVIDED UNDER THIS  
15 SUBSECTION. An individual is not eligible to receive a license to  
16 carry a concealed pistol until he or she has signed the statement.

17 (10) EFFECTIVE 12 MIDNIGHT APRIL 30, 2013, THE COUNTY  
18 CONCEALED WEAPON LICENSING BOARDS ARE ELIMINATED AND THE DUTIES,  
19 FUNCTIONS, AND RESPONSIBILITIES OF THOSE BOARDS ARE TRANSFERRED TO  
20 THE COUNTY SHERIFFS AS PROVIDED IN THIS ACT. EACH COUNTY CONCEALED  
21 WEAPON LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND  
22 OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE CLERK OF THE LICENSING  
23 AUTHORITY OF THE COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN  
24 12 MIDNIGHT APRIL 30, 2013. ALL PENDING APPLICATIONS REMAIN IN  
25 PLACE, AND THE SHERIFF FOR THAT COUNTY SHALL PROCESS THOSE  
26 APPLICATIONS AS PROVIDED IN THIS ACT AS LICENSING AUTHORITY FOR  
27 THAT COUNTY. THE SHERIFF SHALL NOT CHARGE ANY ADDITIONAL FEE FOR

1 RECEIVING OR PROCESSING AN APPLICATION PREVIOUSLY SUBMITTED TO THE  
2 COUNTY CONCEALED WEAPON LICENSING BOARD, EXCEPT AS OTHERWISE  
3 PROVIDED IN THIS ACT. A LICENSE TO CARRY A CONCEALED PISTOL ISSUED  
4 BY A CONCEALED WEAPON LICENSING BOARD BEFORE 12 MIDNIGHT APRIL 30,  
5 2013 IS VALID AND REMAINS IN EFFECT UNTIL THE EXPIRATION OF THAT  
6 LICENSE OR AS OTHERWISE PROVIDED BY LAW.

7       Sec. 5b. (1) To obtain a license to carry a concealed pistol,  
8 an individual shall apply to the ~~concealed weapon licensing board~~  
9 **LICENSING AUTHORITY** in the county in which that individual resides.  
10 The application shall be filed with the county clerk during the  
11 county clerk's normal business hours. The application shall be on a  
12 form provided by the director of the department of state police and  
13 shall allow the applicant to designate whether the applicant seeks  
14 a temporary license **AND WHETHER HE OR SHE SEEKS AN EXEMPTION FROM**  
15 **THE PROHIBITION AGAINST CARRYING A CONCEALED PISTOL ON THE PREMISES**  
16 **DESCRIBED IN SECTION 5o.** The application shall be signed under oath  
17 by the applicant. The oath shall be administered by the county  
18 clerk or his or her representative. The application shall contain  
19 all of the following: ~~information:~~

20       (a) The applicant's legal name and date of birth and the  
21 address of his or her primary residence. If the applicant resides  
22 in a city, village, or township that has a police department, the  
23 name of the police department. Information received under this  
24 subdivision is confidential, is not subject to disclosure under the  
25 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and  
26 shall not be disclosed to any person except for purposes of this  
27 act or for law enforcement purposes.

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

3 (c) A statement by the applicant authorizing the ~~concealed~~  
4 ~~weapon licensing board~~ **LICENSING AUTHORITY** to access any record,  
5 including any medical record, pertaining to the applicant's  
6 qualifications for a license to carry a concealed pistol under this  
7 act. The applicant may request that information received by the  
8 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** under this  
9 subdivision be reviewed in a closed session. If the applicant  
10 requests that the session be closed, the ~~concealed weapon licensing~~  
11 ~~board~~ **LICENSING AUTHORITY** shall close the session only for purposes  
12 of this subdivision. The applicant and his or her representative  
13 have the right to be present in the closed session. Medical records  
14 and personal identifying information received by the ~~concealed~~  
15 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this subdivision  
16 is confidential, is not subject to disclosure under the freedom of  
17 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not  
18 be disclosed to any person except for purposes of this act or for  
19 law enforcement purposes or if the applicant is convicted of a  
20 felony involving a pistol.

21 (d) A statement by the applicant regarding whether he or she  
22 has a history of mental illness that would disqualify him or her  
23 under subsection (7)(j) to (l) from receiving a license to carry a  
24 concealed pistol, and authorizing the ~~concealed weapon licensing~~  
25 ~~board~~ **LICENSING AUTHORITY** to access the mental health records of  
26 the applicant relating to his or her mental health history. The  
27 applicant may request that information received by the ~~concealed~~



1 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this subdivision  
2 be reviewed in a closed session. If the applicant requests that the  
3 session be closed, the ~~concealed weapon licensing board~~ **LICENSING**  
4 **AUTHORITY** shall close the session only for purposes of this  
5 subdivision. The applicant and his or her representative have the  
6 right to be present in the closed session. Medical records and  
7 personal identifying information received by the ~~concealed weapon~~  
8 ~~licensing board~~ **LICENSING AUTHORITY** under this subdivision is  
9 confidential, is not subject to disclosure under the freedom of  
10 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not  
11 be disclosed to any person except for purposes of this act or for  
12 law enforcement purposes.

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

16 (i) Any felony.

17 (ii) A misdemeanor listed under subsection (7)(h) or (i), if  
18 the applicant was convicted of ~~violating~~ that misdemeanor in the 8  
19 years immediately preceding the date of the application.

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

22 (g) If the applicant seeks a temporary license, the facts  
23 supporting the issuance of that temporary license.

24 (h) The names, residential addresses, and telephone numbers of  
25 2 individuals who are references for the applicant. **REFERENCES**  
26 **UNDER THIS SUBDIVISION SHALL NOT BE RELATED TO THE APPLICANT OR BE**  
27 **MEMBERS OF THE SAME HOUSEHOLD AS THE APPLICANT.** Information

1 received under this subdivision is confidential, is not subject to  
2 disclosure under the freedom of information act, 1976 PA 442, MCL  
3 15.231 to 15.246, and shall not be disclosed to any person except  
4 for purposes of this act or for law enforcement purposes.

5 (i) A passport-quality photograph of the applicant provided by  
6 the applicant ~~at the time of application.~~ **OR, IF THE APPLICANT DOES**  
7 **NOT PROVIDE HIS OR HER OWN PASSPORT-QUALITY PHOTOGRAPH, A**  
8 **PHOTOGRAPH OF THE APPLICANT TAKEN BY THE CLERK OF THE LICENSING**  
9 **AUTHORITY AT NO CHARGE OR FOR A REASONABLE FEE. NEITHER THE CLERK**  
10 **NOR THE LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO HAVE HIS**  
11 **OR HER PHOTOGRAPH TAKEN BY THE CLERK OR BY ANY OTHER SPECIFIC**  
12 **OFFICE OR VENDOR IF THE APPLICANT PROVIDES HIS OR HER OWN**  
13 **PHOTOGRAPH THAT COMPLIES WITH THE REQUIREMENT OF THIS SUBDIVISION.**

14 (J) A SIGNATURE OF THE APPLICANT OBTAINED BY THE COUNTY CLERK  
15 AT THE TIME OF APPLICATION FOR USE ON HIS OR HER LICENSE TO CARRY A  
16 CONCEALED PISTOL OR AS OTHERWISE REQUIRED.

17 (K) ~~(j)~~ A certificate stating that the applicant has completed  
18 the training course prescribed by this act.

19 (l) A PROPERLY COMPLETED REFUND AUTHORIZATION FORM SIGNED BY  
20 THE APPLICANT THAT WILL ALLOW THE CLERK OF THE LICENSING AUTHORITY  
21 TO ISSUE ANY REFUND TO THE APPLICANT AS REQUIRED UNDER THIS ACT  
22 WITHOUT ADDITIONAL AUTHORIZATION AND WITHOUT REQUIRING THE  
23 APPLICANT TO RETURN TO THE LICENSING AUTHORITY OR ANY OTHER ENTITY  
24 TO RECEIVE THE REFUND.

25 (2) NEITHER THE LICENSING AUTHORITY NOR THE CLERK OF THE  
26 LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT ANY  
27 ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE OF

1 ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL  
2 EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR  
3 IN THIS ACT. THIS DOES NOT PROHIBIT THE LICENSEE FROM VOLUNTARILY  
4 SUBMITTING ADDITIONAL DOCUMENTATION IF HE OR SHE CHOOSES TO DO SO  
5 AT HIS OR HER OWN INITIATIVE AND DOES NOT PROHIBIT THE LICENSING  
6 AUTHORITY FROM REQUIRING AN APPLICANT IN WRITING TO PROVIDE  
7 ADDITIONAL DOCUMENTATION THAT IS NECESSARY TO ADDRESS A SPECIFIC  
8 DISQUALIFICATION SET FORTH IN THIS ACT AND IDENTIFIED IN A WRITTEN  
9 NOTICE SENT TO THE APPLICANT UNDER SECTION 5(7). The application  
10 form shall contain a conspicuous warning that the application is  
11 executed under oath and that intentionally making a material false  
12 statement on the application is a felony punishable by imprisonment  
13 for not more than 4 years or a fine of not more than \$2,500.00, or  
14 both.

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

19 (4) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
20 shall retain a copy of each application for a license to carry a  
21 concealed pistol as an official record. One year after the  
22 expiration of a concealed pistol license, the county clerk may  
23 destroy the record and maintain only a name index of the record.

24 (5) Each applicant shall pay a ~~nonrefundable~~ **AN APPLICATION**  
25 **AND LICENSING** fee of \$105.00 by any method of payment accepted by  
26 that county for payments of other fees and penalties. **THE FEE SHALL**  
27 **COVER ALL COSTS IN THE APPLICATION AND LICENSING PROCESS THROUGH**

1 **AND INCLUDING THE DENIAL OR ISSUANCE OF A LICENSE.** Except for a  
2 local police agency as provided in subsection (9), ~~a unit of local~~  
3 ~~government, an agency of a unit of local government, or an agency~~  
4 ~~or department of this state shall not charge an additional fee,~~  
5 ~~assessment, or other amount in connection with a license under this~~  
6 ~~section~~ **NO OTHER CHARGE, FEE, COST, OR ASSESSMENT, INCLUDING ANY**  
7 **LOCAL CHARGE, FEE, COST, OR ASSESSMENT, SHALL BE REQUIRED OF THE**  
8 **APPLICANT EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS ACT.** The  
9 **APPLICATION AND LICENSING** fee shall be payable to the county. The  
10 county treasurer shall deposit \$41.00 of each **APPLICATION AND**  
11 **LICENSING** fee collected under this section in the ~~general fund of~~  
12 ~~the county and credit \$26.00 of that deposit to the credit of the~~  
13 ~~county clerk and \$15.00 of that deposit to the credit of the county~~  
14 ~~sheriff and~~ **CONCEALED PISTOL LICENSING FUND CREATED IN SECTION 5X.**  
15 **THE COUNTY TREASURER SHALL** forward the balance **REMAINING** to the  
16 state treasurer. The state treasurer shall deposit the balance of  
17 the fee in the general fund to the credit of the department of  
18 state police. The department of state police shall use the money  
19 received under this act to process the fingerprints and to  
20 reimburse the federal bureau of investigation for the costs  
21 associated with processing fingerprints submitted under this act.  
22 The balance of the money received under this act shall be credited  
23 to the department of state police.

24 (6) The county sheriff ~~on behalf of the concealed weapon~~  
25 ~~licensing board~~ shall verify the requirements of subsection (7) (d),  
26 (e), (f), (h), (i), (j), (k), ~~(l)~~, and (m) through the law  
27 enforcement information network and **SHALL VERIFY THE REQUIREMENTS**

1 **OF SUBSECTION (7) (I). THROUGH APRIL 30, 2013, THE COUNTY SHERIFF**  
2 **SHALL** report his or her finding to the concealed weapon licensing  
3 board. If the applicant resides in a city, village, or township  
4 that has a police department, the ~~concealed weapon licensing board~~  
5 **LICENSING AUTHORITY** shall contact that city, village, or township  
6 police department to determine only whether that city, village, or  
7 township police department has any information relevant to the  
8 investigation of whether the applicant is eligible under this act  
9 to receive a license to carry a concealed pistol. **IN ALL CASES, THE**  
10 **LICENSING AUTHORITY SHALL CONTACT THE COUNTY SHERIFF, COUNTY**  
11 **PROSECUTING ATTORNEY, AND THE STATE POLICE POST HAVING JURISDICTION**  
12 **TO DETERMINE ONLY WHETHER THAT COUNTY SHERIFF, COUNTY PROSECUTING**  
13 **ATTORNEY, OR STATE POLICE POST HAS ANY INFORMATION RELEVANT TO THE**  
14 **INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT**  
15 **TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.** The ~~concealed~~  
16 ~~weapon licensing board~~ **LICENSING AUTHORITY** may require a person  
17 claiming active duty status with the United States armed forces  
18 under this section to provide proof of 1 or both of the following:  
19 (a) The person's home of record.  
20 (b) Permanent active duty assignment in this state.  
21 (7) The ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
22 shall issue, **AND THE CLERK OF THE LICENSING AUTHORITY SHALL SEND,** a  
23 license to an applicant to carry a concealed pistol within the  
24 period required under this act ~~after the applicant properly submits~~  
25 ~~an application under subsection (1) and~~ **IF** the ~~concealed weapon~~  
26 ~~licensing board~~ **LICENSING AUTHORITY** determines that all of the  
27 following circumstances exist:

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

2 (b) The applicant is a citizen of the United States or is an  
3 alien lawfully admitted into the United States, is a legal resident  
4 of this state, and has resided in this state for not less than the  
5 6 months immediately preceding the date of application. The  
6 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** may waive the  
7 6-month residency requirement for a temporary license under section  
8 5a(8) if the ~~concealed weapon licensing board~~ **LICENSING AUTHORITY**  
9 determines there is probable cause to believe the safety of the  
10 applicant or the safety of a member of the applicant's family is  
11 endangered by the applicant's inability to immediately obtain a  
12 license to carry a concealed pistol. If the applicant holds a valid  
13 concealed pistol license issued by another state at the time the  
14 applicant's residency in this state is established, the ~~concealed~~  
15 ~~weapon licensing board~~ **LICENSING AUTHORITY** may waive the 6-month  
16 waiting period and the applicant may apply for a concealed pistol  
17 license at the time the applicant's residency in this state is  
18 established. The ~~concealed weapon licensing board~~ **LICENSING**  
19 **AUTHORITY** shall immediately issue **AND THE CLERK OF THE LICENSING**  
20 **AUTHORITY SHALL IMMEDIATELY SEND** a temporary license to that  
21 applicant. The temporary license shall be valid until the ~~concealed~~  
22 ~~weapon licensing board~~ **LICENSING AUTHORITY** decides whether to grant  
23 or deny the application. For the purposes of this section, a person  
24 shall be considered a legal resident of this state if any of the  
25 following apply:

26 (i) The person has a valid, lawfully obtained Michigan driver  
27 license issued under the Michigan vehicle code, 1949 PA 300, MCL

1 257.1 to 257.923, or official state personal identification card  
2 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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

10 (c) The applicant has knowledge and has had training in the  
11 safe use and handling of a pistol by the successful completion of a  
12 pistol safety training course or class that meets the requirements  
13 of section 5j, and that is available to the general public and  
14 presented by a law enforcement agency, junior or community college,  
15 college, or public or private institution or organization or  
16 firearms training school.

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

19 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
20 330.1464a.

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

23 (iii) Sections 2950 and 2950a of the revised judicature act of  
24 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

25 (iv) Section 6b of chapter V of the code of criminal procedure,  
26 1927 PA 175, MCL 765.6b, if the order has a condition imposed  
27 ~~pursuant to~~ **UNDER** section 6b(3) of chapter V of the code of

1 criminal procedure, 1927 PA 175, MCL 765.6b.

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

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

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

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

14 (h) The applicant has not been convicted of a misdemeanor  
15 violation of any of the following in the 8 years immediately  
16 preceding the date of application:

17 ~~—— (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL~~  
18 ~~257.617a (failing to stop when involved in a personal injury~~  
19 ~~accident).~~

20 ~~—— (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~  
21 ~~257.625, punishable as provided in subsection (9)(b) of that~~  
22 ~~section (operating while intoxicated, second offense).~~

23 ~~—— (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,~~  
24 ~~MCL 257.625m punishable under subsection (4) of that section~~  
25 ~~(operating a commercial vehicle with alcohol content, second~~  
26 ~~offense).~~

27 ~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL~~



1 ~~257.626 (reckless driving).~~

2 ~~—— (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,~~  
3 ~~MCL 257.904 (operating while license suspended or revoked),~~  
4 ~~punishable as a second or subsequent offense.~~

5 (i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL  
6 INJURY ACCIDENT), 625(9)(B) (OPERATING WHILE INTOXICATED, SECOND  
7 OFFENSE), 625M(4) (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL  
8 CONTENT, SECOND OFFENSE), 626 (RECKLESS DRIVING), OR 904(1)  
9 (OPERATING WHILE LICENSE SUSPENDED OR REVOKED, SECOND OR SUBSEQUENT  
10 OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.617A,  
11 257.625, 257.625M, 257.626, AND 257.904.

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

16 (iii) ~~(vii)~~ Section 29 of the weights and measures act, 1964 PA  
17 283, MCL 290.629 (hindering or obstructing certain persons  
18 performing official weights and measures duties).

19 (iv) ~~(viii)~~ Section 10 of the motor fuels quality act, 1984 PA  
20 44, MCL 290.650 (hindering, obstructing, assaulting, or committing  
21 bodily injury upon director or authorized representative).

22 ~~—— (ix) Section 81134 of the natural resources and environmental~~  
23 ~~protection act, 1994 PA 451, MCL 324.81134, punishable under~~  
24 ~~subsection (5) or (6) of that section (operating ORV under the~~  
25 ~~influence of intoxicating liquor or a controlled substance, second~~  
26 ~~or subsequent offense).~~

27 ~~—— (x) Section 82127 of the natural resources and environmental~~

1 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~  
 2 ~~under the influence of intoxicating liquor or a controlled~~  
 3 ~~substance), punishable as a second or subsequent offense under~~  
 4 ~~section 82128(1)(b) or (c) of the natural resources and~~  
 5 ~~environmental protection act, 1994 PA 451, MCL 324.82128.~~

6 ~~— (xi) Section 80176 of the natural resources and environmental~~  
 7 ~~protection act, 1994 PA 451, MCL 324.80176, and punishable under~~  
 8 ~~section 80177(1)(b) (operating vessel under the influence of~~  
 9 ~~intoxicating liquor or a controlled substance, second or subsequent~~  
 10 ~~offense).~~

11 (v) SECTION 81134(5) OR (6) (OPERATING ORV UNDER THE INFLUENCE  
 12 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE),  
 13 82127 AS PUNISHABLE UNDER SECTION 82128(1)(B) (OPERATING SNOWMOBILE  
 14 UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED  
 15 SUBSTANCE, SECOND OFFENSE), OR 80176 AS PUNISHABLE UNDER SECTION  
 16 80177(1)(B) (OPERATING VESSEL UNDER THE INFLUENCE OF INTOXICATING  
 17 LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE) OF THE NATURAL  
 18 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
 19 324.81134, 324.82127, 324.82128, 324.80176, AND 324.80177.

20 (vi) ~~(xii)~~ Section 7403 of the public health code, 1978 PA 368,  
 21 MCL 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED  
 22 SUBSTANCE ANALOGUE, OR PRESCRIPTION FORM) .

23 (vii) ~~(xiii)~~ Section 353 of the railroad code of 1993, 1993 PA  
 24 354, MCL 462.353, ~~(operating locomotive under the influence of~~  
 25 ~~intoxicating liquor or a controlled substance, or while visibly~~  
 26 ~~impaired), punishable under subsection (4) of that section~~  
 27 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR

1 A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE) .

2 (viii) ~~(xiv)~~ Section 7 of 1978 PA 33, MCL 722.677 (displaying  
3 sexually explicit matter to minors) .

4 ~~—— (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL  
5 750.81 (assault or domestic assault) .~~

6 ~~—— (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA  
7 328, MCL 750.81a (aggravated assault or aggravated domestic  
8 assault) .~~

9 ~~—— (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL  
10 750.115 (breaking and entering or entering without breaking) .~~

11 ~~—— (xviii) Section 136b(6) of the Michigan penal code, 1931 PA 328,  
12 MCL 750.136b (fourth degree child abuse) .~~

13 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL  
14 750.145a (accosting, enticing, or soliciting a child for immoral  
15 purposes) .~~

16 ~~—— (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL  
17 750.145n (vulnerable adult abuse) .~~

18 ~~—— (xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA  
19 328, MCL 750.157b (solicitation to commit a felony) .~~

20 ~~—— (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL  
21 750.215 (impersonating peace officer or medical examiner) .~~

22 ~~—— (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL  
23 750.223 (illegal sale of a firearm or ammunition) .~~

24 ~~—— (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,  
25 MCL 750.224d (illegal use or sale of a self defense spray) .~~

26 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL  
27 750.226a (sale or possession of a switchblade) .~~

1 ~~—— (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,~~  
2 ~~MCL 750.227c (improper transportation of a loaded firearm).~~

3 ~~—— (xxvii) Section 228 of the Michigan penal code, 1931 PA 328, MCL~~  
4 ~~750.228 (failure to have a pistol inspected).~~

5 ~~—— (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,~~  
6 ~~MCL 750.229 (accepting a pistol in pawn).~~

7 ~~—— (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL~~  
8 ~~750.232 (failure to register the purchase of a firearm or a firearm~~  
9 ~~component).~~

10 ~~—— (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL~~  
11 ~~750.232a (improperly obtaining a pistol, making a false statement~~  
12 ~~on an application to purchase a pistol, or using false~~  
13 ~~identification to purchase a pistol).~~

14 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~  
15 ~~750.233 (intentionally aiming a firearm without malice).~~

16 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~  
17 ~~750.234 (intentionally discharging a firearm aimed without malice).~~

18 ~~—— (xxxiii) Section 234d of the Michigan penal code, 1931 PA 328,~~  
19 ~~MCL 750.234d (possessing a firearm on prohibited premises).~~

20 ~~—— (xxxiv) Section 234e of the Michigan penal code, 1931 PA 328,~~  
21 ~~MCL 750.234e (brandishing a firearm in public).~~

22 ~~—— (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,~~  
23 ~~MCL 750.234f (possession of a firearm by an individual less than 18~~  
24 ~~years of age).~~

25 ~~—— (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL~~  
26 ~~750.235 (intentionally discharging a firearm aimed without malice~~  
27 ~~causing injury).~~

1 ~~—— (xxxvii) Section 235a of the Michigan penal code, 1931 PA 328,~~  
 2 ~~MCL 750.235a (parent of a minor who possessed a firearm in a weapon~~  
 3 ~~free school zone).~~

4 ~~—— (xxxviii) Section 236 of the Michigan penal code, 1931 PA 328,~~  
 5 ~~MCL 750.236 (setting a spring gun or other device).~~

6 ~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL~~  
 7 ~~750.237 (possessing a firearm while under the influence of~~  
 8 ~~intoxicating liquor or a drug).~~

9 ~~—— (xl) Section 237a of the Michigan penal code, 1931 PA 328, MCL~~  
 10 ~~750.237a (weapon free school zone violation).~~

11 ~~—— (xli) Section 335a of the Michigan penal code, 1931 PA 328, MCL~~  
 12 ~~750.335a (indecent exposure).~~

13 ~~—— (xlii) Section 411h of the Michigan penal code, 1931 PA 328, MCL~~  
 14 ~~750.411h (stalking).~~

15 ~~—— (xliii) Section 520e of the Michigan penal code, 1931 PA 328, MCL~~  
 16 ~~750.520e (fourth degree criminal sexual conduct).~~

17 ~~—— (xliv) Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless,~~  
 18 ~~or negligent use of a firearm resulting in injury or death).~~

19 ~~—— (xlv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless,~~  
 20 ~~or negligent use of a firearm resulting in property damage).~~

21 ~~—— (xlvi) Section 3a of 1952 PA 45, MCL 752.863a (reckless~~  
 22 ~~discharge of a firearm).~~

23 **(ix) SECTION 81 (ASSAULT OR DOMESTIC ASSAULT), 81A(1) OR (2)**  
 24 **(AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT), 115 (BREAKING**  
 25 **AND ENTERING OR ENTERING WITHOUT BREAKING), 136B(8) (FOURTH DEGREE**  
 26 **CHILD ABUSE), 145N (VULNERABLE ADULT ABUSE), 157B(3)(B)**  
 27 **(SOLICITATION TO COMMIT A FELONY), 215 (IMPERSONATING PEACE OFFICER**

1 OR MEDICAL EXAMINER), 223 (ILLEGAL SALE OF A FIREARM OR  
2 AMMUNITION), 224D (ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY),  
3 226A (SALE OR POSSESSION OF A SWITCHBLADE), 227C (IMPROPER  
4 TRANSPORTATION OF A LOADED FIREARM), 228 (FAILURE TO HAVE A PISTOL  
5 INSPECTED), 229 (ACCEPTING A PISTOL IN PAWN), 232 (FAILURE TO  
6 REGISTER THE PURCHASE OF A FIREARM OR A FIREARM COMPONENT), 232A  
7 (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE STATEMENT ON AN  
8 APPLICATION TO PURCHASE A PISTOL, OR USING FALSE IDENTIFICATION TO  
9 PURCHASE A PISTOL), 233 (INTENTIONALLY AIMING A FIREARM WITHOUT  
10 MALICE), 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT  
11 MALICE), 234D (POSSESSING A FIREARM ON PROHIBITED PREMISES), 234E  
12 (BRANDISHING A FIREARM IN PUBLIC), 234F (POSSESSION OF A FIREARM BY  
13 AN INDIVIDUAL LESS THAN 18 YEARS OF AGE), 235 (INTENTIONALLY  
14 DISCHARGING A FIREARM AIMED WITHOUT MALICE CAUSING INJURY), 235A  
15 (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A WEAPON FREE SCHOOL  
16 ZONE), 236 (SETTING A SPRING GUN OR OTHER DEVICE), 237 (POSSESSING  
17 A FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A  
18 CONTROLLED SUBSTANCE), 237A (WEAPON FREE SCHOOL ZONE VIOLATION),  
19 335A (INDECENT EXPOSURE), 411H (STALKING), OR 520E (FOURTH DEGREE  
20 CRIMINAL SEXUAL CONDUCT) OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
21 MCL 750.81, 750.81A, 750.115, 750.136B, 750.145N, 750.157B,  
22 750.215, 750.223, 750.224D, 750.226A, 750.227C, 750.228, 750.229,  
23 750.232, 750.232A, 750.233, 750.234, 750.234D, 750.234E, 750.234F,  
24 750.235, 750.235A, 750.236, 750.237, 750.237A, 750.335A, 750.411H,  
25 AND 750.520E.

26 (x) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A  
27 FIREARM RESULTING IN INJURY OR DEATH), 2 (CARELESS, RECKLESS, OR

1 NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY DAMAGE), OR 3A  
 2 (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA 45, MCL 752.861,  
 3 752.862, AND 752.863A.

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

8 (i) The applicant has not been convicted of a misdemeanor  
 9 violation of any of the following in the 3 years immediately  
 10 preceding the date of application unless the misdemeanor violation  
 11 is listed under subdivision (h):

12 ~~—— (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~  
 13 ~~257.625 (operating under the influence).~~

14 ~~—— (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,~~  
 15 ~~MCL 257.625a (refusal of commercial vehicle operator to submit to a~~  
 16 ~~chemical test).~~

17 ~~—— (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,~~  
 18 ~~MCL 257.625k (ignition interlock device reporting violation).~~

19 ~~—— (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,~~  
 20 ~~MCL 257.625l (circumventing an ignition interlocking device).~~

21 ~~—— (v) Section 625m of the Michigan vehicle code, 1949 PA 300,~~  
 22 ~~MCL 257.625m, punishable under subsection (3) of that section~~  
 23 ~~(operating a commercial vehicle with alcohol content).~~

24 (i) SECTION 625 (OPERATING UNDER THE INFLUENCE), 625A (REFUSAL  
 25 OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL TEST), 625K  
 26 (IGNITION INTERLOCK DEVICE REPORTING VIOLATION), 625L (CIRCUMVENTING  
 27 AN IGNITION INTERLOCK DEVICE), OR 625M(3) (OPERATING A COMMERCIAL

1 VEHICLE WITH ALCOHOL CONTENT) OF THE MICHIGAN VEHICLE CODE, 1949 PA  
2 300, MCL 257.625, 257.625A, 257.625K, 257.625L, AND 257.625M.

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

6 ~~Section 81134 of the natural resources and environmental  
7 protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the  
8 influence).~~

9 ~~Section 81135 of the natural resources and environmental  
10 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while  
11 visibly impaired).~~

12 ~~Section 82127 of the natural resources and environmental  
13 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile  
14 under the influence).~~

15 (iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), 81135  
16 (OPERATING ORV WHILE VISIBLY IMPAIRED), OR 82127 (OPERATING A  
17 SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL RESOURCES AND  
18 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81134,  
19 324.81135, AND 324.82127.

20 (iv) ~~(x)~~ Part 74 of the public health code, 1978 PA 368, MCL  
21 333.7401 to 333.7461 (controlled substance violation).

22 (v) ~~(xi)~~ Section 353 of the railroad code of 1993, 1993 PA 354,  
23 MCL 462.353, ~~(operating locomotive under the influence),~~ punishable  
24 under subsection (3) of that section (OPERATING LOCOMOTIVE UNDER  
25 THE INFLUENCE).

26 ~~Section 167 of the Michigan penal code, 1931 PA 328, MCL  
27 750.167 (disorderly person).~~



1 ~~—— (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL~~  
 2 ~~750.174 (embezzlement).~~

3 ~~—— (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL~~  
 4 ~~750.218 (false pretenses with intent to defraud).~~

5 ~~—— (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL~~  
 6 ~~750.356 (larceny).~~

7 ~~—— (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL~~  
 8 ~~750.356d (second degree retail fraud).~~

9 ~~—— (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL~~  
 10 ~~750.359 (larceny vacant building).~~

11 ~~—— (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL~~  
 12 ~~750.362 (larceny by conversion).~~

13 ~~—— (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL~~  
 14 ~~750.362a (larceny defrauding lessor).~~

15 ~~—— (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL~~  
 16 ~~750.377a (malicious destruction of property).~~

17 ~~—— (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL~~  
 18 ~~750.380 (malicious destruction of real property).~~

19 ~~—— (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL~~  
 20 ~~750.535 (receiving stolen property).~~

21 ~~—— (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,~~  
 22 ~~MCL 750.540e (malicious use of telephones).~~

23       **(vi) SECTION 167 (DISORDERLY PERSON), 174 (EMBEZZLEMENT), 218**  
 24 **(FALSE PRETENSES WITH INTENT TO DEFRAUD), 356 (LARCENY), 356D(2)**  
 25 **(SECOND DEGREE RETAIL FRAUD), 359 (LARCENY FROM A VACANT BUILDING**  
 26 **OR STRUCTURE), 362 (LARCENY BY CONVERSION), 362A (LARCENY -**  
 27 **DEFRAUDING LESSOR), 377A (MALICIOUS DESTRUCTION OF PROPERTY), 380**

1 (MALICIOUS DESTRUCTION OF REAL PROPERTY), 535 (RECEIVING OR  
2 CONCEALING STOLEN PROPERTY), OR 540E (MALICIOUS USE OF  
3 TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE MICHIGAN PENAL CODE,  
4 1931 PA 328, MCL 750.167, 750.174, 750.218, 750.356, 750.356D,  
5 750.359, 750.362, 750.362A, 750.377A, 750.380, 750.535, AND  
6 750.540E.

7 (vii) ~~(xiv)~~—A violation of a law of the United States, another  
8 state, or a local unit of government of this state or another state  
9 substantially corresponding to a violation described in  
10 subparagraphs (i) to ~~(xiii)~~-(vi).

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

14 (k) The applicant has never been subject to an order of  
15 involuntary commitment in an inpatient or outpatient setting due to  
16 mental illness.

17 (l) The applicant does not have a diagnosed mental illness at  
18 the time the application is made regardless of whether he or she is  
19 receiving treatment for that illness.

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

22 (n) Issuing a license to the applicant to carry a concealed  
23 pistol in this state is not detrimental to the safety of the  
24 applicant or to any other individual. A determination under this  
25 subdivision shall be based on clear and convincing evidence of  
26 repeated violations of this act, crimes, personal protection orders  
27 or injunctions, or police reports or other clear and convincing

1 evidence of the actions of, or statements of, the applicant that  
2 bear directly on the applicant's ability to carry a concealed  
3 pistol.

4 (8) Upon entry of a court order or conviction of 1 of the  
5 enumerated prohibitions for using, transporting, selling,  
6 purchasing, carrying, shipping, receiving or distributing a firearm  
7 in this section the department of state police shall immediately  
8 enter the order or conviction into the law enforcement information  
9 network. For purposes of this act, information of the court order  
10 or conviction shall not be removed from the law enforcement  
11 information network, but may be moved to a separate file intended  
12 for the use of the ~~county concealed weapon licensing boards,~~  
13 **LICENSING AUTHORITIES**, the courts, and other government entities as  
14 necessary and exclusively to determine eligibility to be licensed  
15 under this act.

16 (9) An individual, after submitting an application and paying  
17 the fee prescribed under subsection (5), shall request ~~and have~~  
18 **THAT** classifiable fingerprints **BE** taken by the county sheriff or a  
19 local police agency if that local police agency maintains  
20 fingerprinting capability. If the individual requests that  
21 classifiable fingerprints be taken by a local police agency, the  
22 individual shall also pay to that local police agency a fee of  
23 \$15.00 by any method of payment accepted by the unit of local  
24 government for payments of other fees and penalties. The county  
25 sheriff or local police agency shall take the fingerprints within 5  
26 business days after the request. **COUNTY SHERIFFS AND LOCAL POLICE**  
27 **AGENCIES THAT MAINTAIN FINGERPRINTING CAPABILITY SHALL PROVIDE**

1 REASONABLE ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS  
2 HOURS AS IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.  
3 THE FAILURE OF A COUNTY SHERIFF TO MAINTAIN FINGERPRINTING  
4 CAPABILITY IN COMPLIANCE WITH THIS ACT OR TO PROVIDE REASONABLE  
5 ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS HOURS TO  
6 APPLICANTS FOR A CONCEALED PISTOL LICENSE ON THE DAY OF APPLICATION  
7 DOES NOT AFFECT THE 45-DAY PERIOD FROM THE DATE OF APPLICATION IN  
8 WHICH THE LICENSING AUTHORITY IS REQUIRED TO ISSUE OR DENY A  
9 LICENSE.

10 (10) The fingerprints shall be taken, under subsection (9), on  
11 forms and in a manner prescribed by the department of state police.  
12 The fingerprints shall be immediately forwarded to the department  
13 of state police for comparison with fingerprints already on file  
14 with the department of state police. The department of state police  
15 shall **IMMEDIATELY** forward the fingerprints to the federal bureau of  
16 investigation. Within ~~10~~7 days after receiving a report of the  
17 fingerprints from the federal bureau of investigation, the  
18 department of state police shall provide a copy to the submitting  
19 sheriff's department or local police agency as appropriate and ~~the~~  
20 ~~clerk of~~ **TO** the appropriate ~~concealed weapon licensing board.~~  
21 **LICENSING AUTHORITY.** Except as provided in subsection (14), the  
22 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** shall not  
23 issue a concealed pistol license until it receives the fingerprint  
24 comparison report prescribed in this subsection. The ~~concealed~~  
25 ~~weapon licensing board~~ **LICENSING AUTHORITY** may deny a license if an  
26 individual's fingerprints are not classifiable by the federal  
27 bureau of investigation **AND A REPORT CANNOT BE OBTAINED BASED ON**

1 THE INDIVIDUAL'S NAME, DATE OF BIRTH, AND OTHER IDENTIFYING  
2 INFORMATION.

3 (11) The ~~concealed weapon licensing board~~ LICENSING AUTHORITY  
4 shall deny a license to an applicant to carry a concealed pistol if  
5 the applicant is not qualified under subsection (7) to receive that  
6 license.

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

10 (13) Subject to subsections (10) and (14), the ~~concealed~~  
11 ~~weapon licensing board~~ LICENSING AUTHORITY shall issue or deny  
12 issuance of a license within 45 days after the ~~concealed weapon~~  
13 ~~licensing board receives the fingerprint comparison report provided~~  
14 ~~under subsection (10)~~ DATE OF APPLICATION. THE LICENSING AUTHORITY  
15 SHALL INCLUDE AN EXEMPTION INDORSEMENT FROM THE PROHIBITIONS  
16 AGAINST CARRYING A CONCEALED PISTOL ON PREMISES DESCRIBED IN  
17 SECTION 5o IF THE APPLICANT REQUESTS THE EXEMPTION INDORSEMENT ON  
18 HIS OR HER APPLICATION FORM AND IS ELIGIBLE FOR THE EXEMPTION UNDER  
19 SECTION 5o(4) (J). If the ~~concealed weapon licensing board~~ LICENSING  
20 AUTHORITY denies issuance of a license to carry a concealed pistol,  
21 OR DENIES AN EXEMPTION UNDER SECTION 5o(5) (K), the ~~concealed weapon~~  
22 ~~licensing board~~ LICENSING AUTHORITY shall within ~~5 business~~ 7 days  
23 do both of the following:

24 (a) Inform the applicant in writing of the reasons for the  
25 denial. Information under this subdivision shall include all of the  
26 following:

27 (i) A statement of the specific and articulable facts

1 supporting the denial.

2 (ii) Copies of any writings, photographs, records, or other  
3 documentary evidence upon which the denial is based.

4 (b) Inform the applicant in writing of his or her right to  
5 appeal the denial to the circuit court as provided in section 5d.

6 ~~(14) If the fingerprint comparison report is not received by~~  
7 ~~the concealed weapon licensing board within 60 days after the~~  
8 ~~fingerprint report is forwarded to the department of state police~~  
9 ~~by the federal bureau of investigation, the concealed weapon~~  
10 ~~licensing board~~ IF A LICENSE IS NOT GRANTED OR DENIED UNDER  
11 SUBSECTION (13) WITHIN 45 DAYS AFTER THE APPLICATION FOR A LICENSE  
12 IS SUBMITTED, THE CLERK OF THE LICENSING AUTHORITY shall, ~~issue a~~  
13 ~~temporary license to carry a concealed pistol to the applicant if~~  
14 ~~the applicant is otherwise qualified for a license.~~ WITHIN 10 DAYS,  
15 ISSUE BY MAIL A TEMPORARY LICENSE TO CARRY A CONCEALED PISTOL TO  
16 THE APPLICANT ALONG WITH A REFUND OF THE PORTION OF THE APPLICATION  
17 AND LICENSING FEE DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND  
18 UNDER SUBSECTION (5) FROM THE ACCOUNT CREDITED TO THE LICENSING  
19 AUTHORITY WITHIN THE CONCEALED PISTOL LICENSING FUND TO THE EXTENT  
20 THERE ARE SUFFICIENT FUNDS WITHIN THAT ACCOUNT TO PAY THAT REFUND,  
21 WITH ANY DEFICIT IN THAT BALANCE BEING PAID FROM THE COUNTY GENERAL  
22 FUND. IF THE CLERK OF THE LICENSING AUTHORITY FAILS TO ISSUE A  
23 TEMPORARY LICENSE AND TO REFUND THE LICENSING AUTHORITY'S PORTION  
24 OF THE FEE WITHIN 10 DAYS AS PROVIDED IN THIS SUBSECTION, THE CLERK  
25 SHALL IMMEDIATELY ISSUE A TEMPORARY LICENSE TO CARRY A CONCEALED  
26 PISTOL TO THE APPLICANT AND SHALL REFUND TO THE APPLICANT THE  
27 PORTION OF THE APPLICATION AND LICENSING FEE THAT WAS CREDITED TO

1 THE LICENSING AUTHORITY ACCOUNT WITHIN THE CONCEALED PISTOL  
2 LICENSING FUND AND THE PORTION THAT WAS CREDITED TO THE ACCOUNT OF  
3 THE CLERK OF THE LICENSING AUTHORITY WITHIN THE CONCEALED PISTOL  
4 LICENSING FUND TO THE EXTENT THAT THERE ARE SUFFICIENT FUNDS WITHIN  
5 THOSE ACCOUNTS TO PAY THAT REFUND. ANY DEFICIT IN EITHER ACCOUNT  
6 BALANCE SHALL BE PAID FROM THE COUNTY GENERAL FUND. THE DEPARTMENT  
7 OF STATE POLICE SHALL PREPARE A FORM FOR OBTAINING REFUNDS UNDER  
8 THIS SUBSECTION AND SHALL INCLUDE THE FORM IN CONCEALED PISTOL  
9 APPLICATION KITS PROVIDED UNDER SECTION 5. A temporary license  
10 issued under this section is valid ~~for~~ UNTIL THE EXPIRATION OF 180  
11 days AFTER THE DATE THE TEMPORARY LICENSE IS ISSUED or until the  
12 ~~concealed weapon licensing board receives the fingerprint~~  
13 ~~comparison report provided under subsection (10) and~~ LICENSING  
14 AUTHORITY issues or denies issuance of a license to carry a  
15 concealed pistol as otherwise provided under this act, WHICHEVER  
16 OCCURS FIRST. A TEMPORARY LICENSE ISSUED UNDER THIS SUBSECTION  
17 SHALL STATE ON ITS FACE THAT IT IS A TEMPORARY LICENSE. Upon  
18 issuance or the denial of issuance of the license to carry a  
19 concealed pistol to an applicant who received a temporary license  
20 under this section, the applicant shall immediately surrender the  
21 temporary license to the ~~concealed weapon licensing board that~~  
22 ~~issued that temporary license.~~ CLERK OF THE LICENSING AUTHORITY BY  
23 MAIL OR IN PERSON. THE CLERK OR THE LICENSING AUTHORITY SHALL NOT  
24 CHARGE A FEE FOR ISSUING A LICENSE TO CARRY A CONCEALED PISTOL IF  
25 THE TEMPORARY LICENSE WAS SURRENDERED AS REQUIRED UNDER THIS  
26 SUBSECTION.

27 (15) If an individual licensed under this act to carry a

1 concealed pistol moves to a different county within this state, his  
2 or her license remains valid until it expires or is otherwise  
3 suspended or revoked under this act. A license to carry a concealed  
4 pistol that is lost, stolen, or defaced may be replaced by the  
5 issuing county clerk for a replacement fee of \$10.00.

6 (16) If a ~~concealed weapons licensing board~~ **LICENSING**  
7 **AUTHORITY** suspends or revokes a license issued under this act, the  
8 license is forfeited and shall be returned to the ~~concealed weapon~~  
9 ~~licensing board~~ **CLERK OF THE LICENSING AUTHORITY** forthwith. An  
10 individual who fails to return a license as required under this  
11 subsection after he or she was notified that his or her license was  
12 suspended or revoked is guilty of a misdemeanor punishable by  
13 imprisonment for not more than 93 days or a fine of not more than  
14 \$500.00, or both.

15 (17) An applicant or an individual licensed under this act to  
16 carry a concealed pistol may be furnished a copy of his or her  
17 application under this section upon request and the payment of a  
18 reasonable fee.

19 (18) This section does not prohibit the ~~concealed weapon~~  
20 ~~licensing board~~ **LICENSING AUTHORITY** from making public and  
21 distributing to the public at no cost lists of individuals who are  
22 certified as qualified instructors as prescribed under section 5j.

23 (19) **AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**  
24 **FROM SECTION 5o AT THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL**  
25 **OR RENEWAL LICENSE UNDER THIS SECTION SHALL NOT BE REQUIRED TO PAY**  
26 **ANY ADDITIONAL FEE. AN INDIVIDUAL WHO HOLDS A VALID LICENSE AND WHO**  
27 **APPLIES FOR AN EXEMPTION FROM SECTION 5o AT A TIME OTHER THAN AT**



1 THE TIME THE INDIVIDUAL APPLIES FOR AN ORIGINAL OR RENEWAL LICENSE  
2 UNDER THIS SECTION MAY BE REQUIRED TO PAY A FEE OF NOT MORE THAN  
3 \$20.00 FOR BOTH RECEIVING AND PROCESSING THE APPLICATION FOR THE  
4 EXEMPTION AND THE ISSUANCE OF A REPLACEMENT LICENSE. THE EXEMPTION  
5 SHALL APPEAR AS AN INDORSEMENT ON THE FACE OF THE LICENSE. THE FEE  
6 COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE CONCEALED  
7 PISTOL LICENSING FUND CREATED UNDER SECTION 5X AND DIVIDED EQUALLY  
8 TO THE ACCOUNTS OF THE LICENSING AUTHORITY AND THE CLERK OF THE  
9 LICENSING AUTHORITY UNLESS THE AUTHORITY TO ISSUE THE EXEMPTION WAS  
10 DELEGATED TO THE CLERK.

11 (20) A COUNTY CLERK ISSUING AN INITIAL LICENSE, RENEWAL  
12 LICENSE, TEMPORARY LICENSE, OR REPLACEMENT LICENSE UNDER THIS ACT  
13 SHALL MAIL THE LICENSE TO THE LICENSEE BY FIRST-CLASS MAIL IN A  
14 SEALED ENVELOPE. HOWEVER, A COUNTY CLERK ISSUING A REINSTATED  
15 LICENSE TO AN INDIVIDUAL WHOSE LICENSE WAS SUSPENDED SHALL NOT MAIL  
16 THE REINSTATED LICENSE IN THE MANNER DESCRIBED IN THIS SUBSECTION,  
17 BUT SHALL PROVIDE THE REINSTATED LICENSE TO THE INDIVIDUAL IN  
18 PERSON ONLY UPON THE PAYMENT OF THE FEE UNDER SECTION 8(7). THIS  
19 SUBSECTION DOES NOT PROHIBIT A LICENSING AUTHORITY OR A CLERK FROM  
20 ISSUING A REPLACEMENT LICENSE IN PERSON AT THE TIME OF APPLICATION  
21 FOR A REPLACEMENT LICENSE OR AN EXEMPTION ENDORSEMENT, OR  
22 IMMEDIATELY UPON CONCLUSION OF A CONFERENCE BETWEEN THE LICENSING  
23 AUTHORITY AND THE APPLICANT DURING WHICH A LICENSE HAS BEEN  
24 APPROVED OR REINSTATED.

25 (21) A LICENSING AUTHORITY OR THE CLERK OF A LICENSING  
26 AUTHORITY IS NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE  
27 ISSUANCE OF A LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER

1 **COMMITTS A CRIME OR A NEGLIGENT ACT.**

2 (22) ~~(19)~~—As used in this section:

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

9 (b) "Felony" means that term as defined in section 1 of  
10 chapter I of the code of criminal procedure, 1927 PA 175, MCL  
11 761.1, or a violation of a law of the United States or another  
12 state that is designated as a felony or that is punishable by death  
13 or by imprisonment for more than 1 year.

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

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

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

27 Sec. 5c. (1) A license to carry a concealed pistol shall be in

1 a form, with the same dimensions as a Michigan operator license,  
2 prescribed by the department of state police. **BEGINNING MAY 1,**  
3 **2013, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**  
4 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**  
5 **UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00**  
6 **MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE**  
7 **CLERK OF THE LICENSING AUTHORITY ALSO PROVIDES THE OPTION OF**  
8 **OBTAINING A PLASTIC LAMINATED PAPER LICENSE AT NO CHARGE.** The  
9 license shall contain all of the following:

10 (a) The licensee's full name and date of birth.

11 (b) A photograph and a physical description of the licensee.

12 (c) A statement of the effective dates of the license.

13 (d) An indication of exceptions authorized by this act  
14 applicable to the licensee, **INCLUDING WHETHER THE INDIVIDUAL IS**  
15 **EXEMPT FROM THE PROHIBITIONS SET FORTH IN SECTION 5o.**

16 (e) An indication whether the license is a duplicate.

17 (2) Subject to section 5o and except as otherwise provided by  
18 law, a license to carry a concealed pistol issued by the ~~county~~  
19 ~~concealed weapon licensing board~~ **LICENSING AUTHORITY** authorizes the  
20 licensee to do all of the following:

21 (a) Carry a pistol concealed on or about his or her person  
22 anywhere in this state.

23 (b) Carry a pistol in a vehicle, whether concealed or not  
24 concealed, anywhere in this state.

25 Sec. 5d. (1) If the ~~concealed weapon licensing board~~ **LICENSING**  
26 **AUTHORITY** denies issuance of a license to carry a concealed pistol,  
27 or fails to issue that license **OR FAILS TO PROVIDE AN EXEMPTION**

1 FROM THE PROHIBITIONS SET FORTH IN SECTION 50 as provided in this  
2 act, the applicant may appeal the denial or the failure to issue  
3 the license OR TO PROVIDE AN EXEMPTION to the circuit court in the  
4 judicial circuit in which he or she resides. The appeal of the  
5 denial or failure to issue a license OR TO PROVIDE AN EXEMPTION  
6 shall be determined by a review of the record for error, except  
7 that if the decision of the ~~concealed weapon licensing board~~  
8 LICENSING AUTHORITY was based upon grounds specified in section  
9 5b(7)(n) that portion of the appeal shall be by hearing de novo.  
10 Witnesses in the hearing shall be sworn. A jury shall not be  
11 provided in a hearing under this section.

12 (2) If the court determines that the denial or failure to  
13 issue a license OR TO PROVIDE AN EXEMPTION was clearly erroneous OR  
14 WAS ARBITRARY AND CAPRICIOUS, the court shall order the ~~concealed~~  
15 ~~weapon licensing board~~ LICENSING AUTHORITY to issue a license OR  
16 GRANT AN EXEMPTION as required by this act.

17 (3) If the court UNDER SUBSECTION (2) determines that the  
18 ~~decision of the concealed weapon licensing board to deny issuance~~  
19 ~~of~~ DENIAL OR FAILURE TO ISSUE a license to an applicant OR TO  
20 PROVIDE AN EXEMPTION was CLEARLY ERRONEOUS OR WAS arbitrary and  
21 capricious, the court shall order ~~this state to pay 1/3 and the~~  
22 county in which the ~~concealed weapon licensing board~~ LICENSING  
23 AUTHORITY is located to pay ~~2/3~~ ALL of the actual costs and actual  
24 attorney fees of the applicant in appealing the denial. IF THE  
25 APPLICANT IS ENTITLED TO A REFUND OF HIS OR HER APPLICATION FEE  
26 UNDER SECTION 5B(14) OR 5I(4), AND THE REFUND WAS NOT PAID, THE  
27 COURT SHALL ALSO ORDER THE COUNTY TO PAY THE REFUND TO THE

1 APPLICANT. ALL COSTS, FEES, AND REFUNDS AWARDED TO THE APPLICANT  
2 UNDER THIS SUBSECTION SHALL BE PAID OUT OF THE CONCEALED PISTOL  
3 LICENSING FUND IF A SUFFICIENT BALANCE EXISTS IN THAT FUND, OR OUT  
4 OF THE COUNTY GENERAL FUND IF A SUFFICIENT BALANCE DOES NOT EXIST  
5 IN THE CONCEALED PISTOL LICENSING FUND. THE COURT SHALL MAKE A  
6 DETERMINATION AS TO THE RESPONSIBILITY OR PROPORTION OF  
7 RESPONSIBILITY BETWEEN THE LICENSING AUTHORITY AND THE CLERK OF THE  
8 LICENSING AUTHORITY FOR THE DENIAL OF THE LICENSE OR THE FAILURE TO  
9 ISSUE THE LICENSE OR TO PROVIDE AN EXEMPTION WHEN AWARDING COSTS,  
10 FEES, AND REFUNDS UNDER THIS SUBSECTION AND SHALL ORDER THE AWARD  
11 TO BE PAID OUT OF THE RESPECTIVE ACCOUNTS WITHIN THE CONCEALED  
12 PISTOL LICENSING FUND TO THE EXTENT THAT THERE ARE SUFFICIENT FUNDS  
13 WITHIN THE ACCOUNTS TO PAY THOSE AWARDS. ANY DEFICIT IN EITHER  
14 ACCOUNT BALANCE SHALL BE ORDERED TO BE PAID FROM THE COUNTY GENERAL  
15 FUND.

16 ~~—— (4) If the court determines that an applicant's appeal was~~  
17 ~~frivolous, the court shall order the applicant to pay the actual~~  
18 ~~costs and actual attorney fees of the concealed weapon licensing~~  
19 ~~board in responding to the appeal.~~

20 Sec. 5e. (1) The department of state police shall create and  
21 maintain a computerized database of individuals who apply under  
22 this act for a license to carry a concealed pistol. The database  
23 shall contain only the following information as to each individual:

24 (a) The individual's name, date of birth, address, and county  
25 of residence.

26 (b) If the individual is licensed to carry a concealed pistol  
27 in this state, the license number, ~~and~~ date of expiration, **AND ANY**

1 **EXEMPTIONS ON THE LICENSE.**

2 (c) Except as provided in subsection (2), if the individual  
3 was denied a license to carry a concealed pistol after ~~the~~  
4 ~~effective date of the amendatory act that added this subdivision,~~  
5 **JULY 1, 2001** a statement of the reasons for that denial.

6 (d) A statement of all criminal charges pending and criminal  
7 convictions obtained against the individual during the license  
8 period.

9 (e) A statement of all determinations of responsibility for  
10 civil infractions of this act pending or obtained against the  
11 individual during the license period.

12 (2) If an individual who was denied a license to carry a  
13 concealed pistol after ~~the effective date of the amendatory act~~  
14 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a  
15 license to carry a concealed pistol, the department of state police  
16 shall delete from the computerized database the previous reasons  
17 for the denial.

18 (3) The department of state police shall enter the information  
19 described in subsection (1)(a) and (b) into the law enforcement  
20 information network.

21 (4) Information in the database, compiled under subsections  
22 (1) through (3), is confidential, is not subject to disclosure  
23 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
24 15.246, and shall not be disclosed to any person except for  
25 purposes of this act or for law enforcement purposes. The  
26 information compiled under subsection (5) is subject to disclosure  
27 under the freedom of information act, 1976 PA 442, MCL 15.231 to

1 15.246.

2 (5) The department of state police shall file an annual report  
3 with the secretary of the senate and the clerk of the house of  
4 representatives setting forth all of the following information for  
5 each ~~county concealed weapon licensing board~~: **LICENSING AUTHORITY:**

6 (a) The number of concealed pistol applications received.

7 (b) The number of concealed pistol licenses issued.

8 (c) The number of concealed pistol licenses denied.

9 (d) Categories for denial under subdivision (c).

10 (e) The number of concealed pistol licenses **SUSPENDED OR**  
11 **revoked.**

12 (f) Categories for **SUSPENSION OR** revocation under subdivision  
13 (e).

14 (g) The number of applications pending at the time the report  
15 is made.

16 (h) The mean and median amount of time and the longest and  
17 shortest amount of time used by the federal bureau of investigation  
18 to supply the fingerprint comparison report required in section  
19 ~~5b(11)~~. **5B(10)**. The department may use a statistically significant  
20 sample to comply with this subdivision.

21 (i) The number of charges of state civil infractions of this  
22 act or charges of criminal violations, categorized by offense,  
23 filed against individuals licensed to carry a concealed pistol that  
24 resulted in a finding of responsibility or a criminal conviction.  
25 The report shall indicate the number of crimes in each category of  
26 criminal offense that involved the brandishing or use of a pistol,  
27 the number that involved the carrying of a pistol by the license

1 holder during the commission of the crime, and the number in which  
2 no pistol was carried by the license holder during the commission  
3 of the crime. **THE REPORT SHALL ALSO INDICATE THE TOTAL NUMBER OF**  
4 **INDIVIDUALS CHARGED AND THE TOTAL NUMBER OF THOSE INDIVIDUALS FOUND**  
5 **RESPONSIBLE OR CONVICTED.**

6 (j) The number of pending criminal charges, categorized by  
7 offense, against individuals licensed to carry a concealed pistol.

8 (k) The number of criminal cases dismissed, categorized by  
9 offense, against individuals licensed to carry a concealed pistol.

10 (l) The number of cases filed against individuals licensed to  
11 carry a concealed pistol for criminal violations that resulted in a  
12 finding of not responsible or not guilty, categorized by offense.

13 (m) For the purposes of subdivisions (i), (j), (k), and (l),  
14 the department of state police shall use the data provided under  
15 section 5m.

16 (n) The number of suicides by individuals licensed to carry a  
17 concealed pistol.

18 (o) Actual costs incurred per permit for each county.

19 Sec. 5f. (1) An individual who is licensed under this act to  
20 carry a concealed pistol shall have his or her license to carry  
21 that pistol in his or her possession at all times he or she is  
22 carrying a concealed pistol or a portable device that uses electro-  
23 muscular disruption technology.

24 (2) An individual who is licensed under this act to carry a  
25 concealed pistol and who is carrying a concealed pistol or a  
26 portable device that uses electro-muscular disruption technology  
27 shall show both of the following to a peace officer upon request by



1 that peace officer:

2 (a) His or her license to carry a concealed pistol.

3 (b) His or her driver license or Michigan personal  
4 identification card.

5 (3) An individual licensed under this act to carry a concealed  
6 pistol and who is carrying a concealed pistol or a portable device  
7 that uses electro-muscular disruption technology and who is stopped  
8 by a peace officer shall immediately disclose to the peace officer  
9 that he or she is carrying a pistol or a portable device that uses  
10 electro-muscular disruption technology concealed upon his or her  
11 person or in his or her vehicle.

12 (4) An individual who violates subsection (1) or (2) is  
13 responsible for a state civil infraction and may be fined not more  
14 than \$100.00.

15 (5) An individual who violates subsection (3) is responsible  
16 for a state civil infraction and may be fined as follows:

17 (a) For a first offense, by a fine of not more than \$500.00 or  
18 by the individual's license to carry a concealed pistol being  
19 suspended for 6 months, or both.

20 (b) For a subsequent offense within 3 years of a prior  
21 offense, by a fine of not more than \$1,000.00 and by the  
22 individual's license to carry a concealed pistol being revoked.

23 (6) If an individual is found responsible for a state civil  
24 infraction under this section, the court shall notify the  
25 department of state police and the ~~concealed weapon~~ licensing board  
26 **AUTHORITY** that issued the license of that determination.

27 (7) A pistol or portable device that uses electro-muscular

1 disruption technology carried in violation of this section is  
2 subject to immediate seizure by a peace officer. If a peace officer  
3 seizes a pistol or portable device that uses electro-muscular  
4 disruption technology under this subsection, the individual has 45  
5 days in which to display his or her license or documentation to an  
6 authorized employee of the law enforcement entity that employs the  
7 peace officer. If the individual displays his or her license or  
8 documentation to an authorized employee of the law enforcement  
9 entity that employs the peace officer within the 45-day period, the  
10 authorized employee of that law enforcement entity shall return the  
11 pistol or portable device that uses electro-muscular disruption  
12 technology to the individual unless the individual is prohibited by  
13 law from possessing a firearm or portable device that uses electro-  
14 muscular disruption technology. If the individual does not display  
15 his or her license or documentation within the 45-day period, the  
16 pistol or portable device that uses electro-muscular disruption  
17 technology is subject to forfeiture as provided in section 5g. A  
18 pistol or portable device that uses electro-muscular disruption  
19 technology is not subject to immediate seizure under this  
20 subsection if both of the following circumstances exist:

21 (a) The individual has his or her driver license or Michigan  
22 personal identification card in his or her possession when the  
23 violation occurs.

24 (b) The peace officer verifies through the law enforcement  
25 information network that the individual is licensed under this act  
26 to carry a concealed pistol.

27 (8) As used in this section, "peace officer" includes a motor

1 carrier officer appointed under section 6d of 1935 PA 59, MCL  
2 28.6d, and security personnel employed by the state under section  
3 6c of 1935 PA 59, MCL 28.6c.

4 Sec. 5j. (1) A pistol training or safety program described in  
5 section 5b(7)(c) meets the requirements for knowledge or training  
6 in the safe use and handling of a pistol only if the ~~program~~  
7 ~~exists~~ **TRAINING WAS PROVIDED WITHIN 5 YEARS PRECEDING THE DATE OF**  
8 **APPLICATION AND CONSISTED** of not less than 8 hours of instruction  
9 and all of the following conditions are met:

10 (a) The program is certified by this state or a national or  
11 state firearms training organization and provides 5 hours of  
12 instruction in, but is not limited to providing instruction in, all  
13 of the following:

14 (i) The safe storage, use, and handling of a pistol including,  
15 but not limited to, safe storage, use, and handling to protect  
16 child safety.

17 (ii) Ammunition knowledge, and the fundamentals of pistol  
18 shooting.

19 (iii) Pistol shooting positions.

20 (iv) Firearms and the law, including civil liability issues and  
21 the use of deadly force. This portion shall be taught by an  
22 attorney or an individual ~~trained in the use of deadly~~  
23 ~~force~~. **CERTIFIED AS A PEACE OFFICER IN THIS STATE.**

24 (v) Avoiding criminal attack and controlling a violent  
25 confrontation.

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

1 (b) The program provides at least 3 hours of instruction on a  
2 firing range and requires firing at least 30 rounds of ammunition  
3 **OR, FOR CERTIFICATES ISSUED ON OR AFTER MAY 1, 2013, PROVIDES AT**  
4 **LEAST 3 HOURS OF INSTRUCTION ON A FIRING RANGE AND REQUIRES FIRING**  
5 **AT LEAST 98 ROUNDS OF AMMUNITION.**

6 (c) The program provides a certificate of completion that  
7 states the program complies with the requirements of this section  
8 and that the individual successfully completed the course, and that  
9 contains the printed name and signature of the course instructor.  
10 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion  
11 shall contain the statement, "This course complies with section 5j  
12 of 1927 PA 372.". **FOR CERTIFICATES ISSUED ON OR AFTER MAY 1, 2013,**  
13 **EACH CERTIFICATE SHALL ALSO CONTAIN ALL OF THE FOLLOWING**  
14 **INFORMATION WHICH SHALL BE PRINTED ON THE FACE OF THE CERTIFICATE:**

15 (i) **THE INSTRUCTOR'S NAME AND ADDRESS, AND TELEPHONE NUMBER IF**  
16 **AVAILABLE.**

17 (ii) **THE NAME AND TELEPHONE NUMBER OF THE STATE AGENCY OR A**  
18 **STATE OR NATIONAL FIREARMS TRAINING ORGANIZATION THAT HAS CERTIFIED**  
19 **THE INDIVIDUAL AS AN INSTRUCTOR FOR PURPOSES OF THIS SECTION, HIS**  
20 **OR HER INSTRUCTOR CERTIFICATION NUMBER, IF ANY, AND THE EXPIRATION**  
21 **DATE OF THAT CERTIFICATION.**

22 (iii) **THE NAME OF THE COURSE, IF APPLICABLE, THE TOTAL NUMBER IN**  
23 **HOURS OF INSTRUCTION RECEIVED, AND THE NUMBER OF ROUNDS FIRED.**

24 (d) The instructor of the course is certified by this state or  
25 a **STATE OR** national **FIREARMS TRAINING** organization to teach the ~~8-~~  
26 ~~hour~~-pistol safety training ~~course~~-**COURSES** described in this  
27 section. **THE LICENSING AUTHORITY SHALL NOT REQUIRE ANY OTHER**

1 CERTIFICATION OR THAT THE INSTRUCTOR REGISTER AS AN INSTRUCTOR WITH  
2 THE COUNTY.

3 (2) A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS  
4 UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED  
5 MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE  
6 APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT  
7 THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.

8 (3) ~~(2)~~—A person shall not do either of the following:

9 (a) Grant a certificate of completion described under  
10 subsection (1) (c) to an individual knowing the individual did not  
11 satisfactorily complete the course.

12 (b) Present a certificate of completion described under  
13 subsection (1) (c) to a ~~concealed weapon licensing board~~ **LICENSING**  
14 **AUTHORITY** knowing that the individual did not satisfactorily  
15 complete the course.

16 (4) ~~(3)~~—A person who violates subsection ~~(2)~~ **(3)** is guilty of  
17 a felony punishable by imprisonment for not more than 4 years or a  
18 fine of not more than \$2,500.00, or both.

19 (5) ~~(4)~~—A ~~concealed weapons licensing board~~ **LICENSING**  
20 **AUTHORITY** shall not require that a specific form, color, wording,  
21 or other content appear on a certificate of completion. ~~, except as~~  
22 ~~provided in subsection (5), and shall accept as valid a certificate~~  
23 ~~of completion issued prior to the effective date of the amendatory~~  
24 ~~act that added this subsection that contains an inaccurate~~  
25 ~~reference or no reference to this section but otherwise complies~~  
26 ~~with this section.~~

27 ~~— (5) Beginning October 1, 2004, a concealed weapons licensing~~

1 ~~board shall require that a certificate of completion contain the~~  
2 ~~statement, "This course complies with section 5j of 1927 PA 372."~~

3       Sec. 5k. (1) Acceptance of a license issued under this act to  
4 carry a concealed pistol constitutes implied consent to submit to a  
5 chemical analysis under this section. This section also applies to  
6 individuals listed in section 12a.

7       (2) An individual shall not carry a concealed pistol or  
8 portable device that uses electro-muscular disruption technology  
9 while he or she is under the influence of alcoholic liquor or a  
10 controlled substance or while having a bodily alcohol content  
11 prohibited under this section. An individual who violates this  
12 section is responsible for a state civil infraction or guilty of a  
13 crime as follows:

14       (a) If the person was under the influence of alcoholic liquor  
15 or a controlled substance or a combination of alcoholic liquor and  
16 a controlled substance, or had a bodily alcohol content of .10 or  
17 more grams per 100 milliliters of blood, per 210 liters of breath,  
18 or per 67 milliliters of urine, the individual is guilty of a  
19 misdemeanor punishable by imprisonment for not more than 93 days or  
20 \$100.00, or both. The court shall order the ~~concealed weapon~~  
21 ~~licensing board that issued the individual a license to carry a~~  
22 ~~concealed pistol~~ **AUTHORITY** to permanently revoke the license. The  
23 ~~concealed weapon~~ ~~licensing board~~ **AUTHORITY** shall permanently revoke  
24 the license as ordered by the court.

25       (b) If the person had a bodily alcohol content of .08 or more  
26 but less than .10 grams per 100 milliliters of blood, per 210  
27 liters of breath, or per 67 milliliters of urine, the individual is

1 guilty of a misdemeanor punishable by imprisonment for not more  
2 than 93 days or \$100.00, or both. The court may order the ~~concealed~~  
3 ~~weapon-licensing board that issued the individual a license to~~  
4 ~~carry a concealed pistol~~ **AUTHORITY** to ~~revoke~~ **SUSPEND** the license  
5 for not more than 3 years. The ~~concealed weapon-licensing board~~  
6 **AUTHORITY** shall ~~revoke~~ **SUSPEND** the license as ordered by the court.

7 (c) If the person had a bodily alcohol content of .02 or more  
8 but less than .08 grams per 100 milliliters of blood, per 210  
9 liters of breath, or per 67 milliliters of urine, the individual is  
10 responsible for a state civil infraction and may be fined not more  
11 than \$100.00. The court may order the ~~concealed weapon-licensing~~  
12 ~~board that issued the individual the license~~ **AUTHORITY** to ~~revoke~~  
13 **SUSPEND** the license for 1 year. The ~~concealed weapon-licensing~~  
14 ~~board~~ **AUTHORITY** shall ~~revoke~~ **SUSPEND** the license as ordered by the  
15 court. The court shall notify the ~~concealed weapon-licensing board~~  
16 ~~that issued the individual a license to carry a concealed pistol~~  
17 **AUTHORITY** if an individual is found responsible for a subsequent  
18 violation of this subdivision.

19 (3) This section does not prohibit an individual licensed  
20 under this act to carry a concealed pistol who has any bodily  
21 alcohol content from doing any of the following:

22 (a) Transporting that pistol in the locked trunk of his or her  
23 motor vehicle or another motor vehicle in which he or she is a  
24 passenger or, if the vehicle does not have a trunk, from  
25 transporting that pistol unloaded in a locked compartment or  
26 container that is separated from the ammunition for that pistol.

27 (b) Transporting that pistol on a vessel if the pistol is

1 transported unloaded in a locked compartment or container that is  
2 separated from the ammunition for that pistol.

3 (c) Transporting a portable device using electro-muscular  
4 disruption technology in the locked trunk of his or her motor  
5 vehicle or another motor vehicle in which he or she is a passenger,  
6 or, if the vehicle does not have a trunk, from transporting that  
7 portable device in a locked compartment or container.

8 (d) Transporting a portable device using electro-muscular  
9 disruption technology on a vessel if the portable device is  
10 transported in a locked compartment or container.

11 (4) A peace officer who has probable cause to believe an  
12 individual is carrying a concealed pistol or a portable device  
13 using electro-muscular disruption technology in violation of this  
14 section may require the individual to submit to a chemical analysis  
15 of his or her breath, blood, or urine.

16 (5) Before an individual is required to submit to a chemical  
17 analysis under subsection (4), the peace officer shall inform the  
18 individual of all of the following:

19 (a) The individual may refuse to submit to the chemical  
20 analysis, but if he or she chooses to do so, all of the following  
21 apply:

22 (i) The officer may obtain a court order requiring the  
23 individual to submit to a chemical analysis.

24 (ii) The refusal may result in his or her license to carry a  
25 concealed pistol being suspended or revoked.

26 (b) If the individual submits to the chemical analysis, he or  
27 she may obtain a chemical analysis described in subsection (4) from



1 a person of his or her own choosing.

2 (6) The collection and testing of breath, blood, and urine  
3 specimens under this section shall be conducted in the same manner  
4 that breath, blood, and urine specimens are collected and tested  
5 for alcohol- and controlled-substance-related driving violations  
6 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

7 (7) If a person refuses to take a chemical test authorized  
8 under this section, the peace officer shall promptly report the  
9 refusal in writing to the ~~concealed weapon licensing board that~~  
10 ~~issued the license to the individual to carry a concealed~~  
11 ~~pistol.~~**AUTHORITY.**

12 (8) If a person takes a chemical test authorized under this  
13 section and the test results indicate that the individual had any  
14 bodily alcohol content while carrying a concealed pistol, the peace  
15 officer shall promptly report the violation in writing to the  
16 ~~concealed weapon licensing board that issued the license to the~~  
17 ~~individual to carry a concealed pistol.~~**AUTHORITY.**

18 (9) As used in this section:

19 (a) "Alcoholic liquor" means that term as defined in section  
20 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
21 436.1105.

22 (b) "Controlled substance" means that term as defined in  
23 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

24 (c) **"UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED**  
25 **SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A**  
26 **PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT**  
27 **PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION**

1 **OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.**

2 Sec. 5l. ~~(1) A license to carry a concealed pistol issued on or~~  
3 ~~after July 1, 2003 but before July 1, 2006 is valid for 5 years.~~

4 (1) ~~(2) An initial~~ **A** license to carry a concealed pistol,  
5 ~~issued or renewed on or after July 1, 2006, other than a license~~  
6 ~~described in subsection (1),~~ **INCLUDING A RENEWAL LICENSE**, is valid  
7 until the applicant's date of birth that falls not less than 4  
8 years or more than 5 years after the license is issued or renewed,  
9 as applicable. **THE CLERK OF THE LICENSING AUTHORITY SHALL NOTIFY**  
10 **THE LICENSEE THAT HIS OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE**  
11 **RENEWED AS PROVIDED IN THIS SECTION. THE NOTIFICATION SHALL BE SENT**  
12 **BY THE CLERK TO THE LAST KNOWN ADDRESS OF THE LICENSEE AS SHOWN ON**  
13 **THE RECORDS OF THE LICENSING AUTHORITY. THE NOTIFICATION SHALL BE**  
14 **SENT IN A SEALED ENVELOPE BY FIRST-CLASS MAIL NOT LESS THAN 3**  
15 **MONTHS OR MORE THAN 6 MONTHS BEFORE THE EXPIRATION DATE OF THE**  
16 **CURRENT LICENSE.** Except as provided in subsections ~~(8)~~ (7) and ~~(9)~~,  
17 (8), a renewal of a license under section 5b shall, except as  
18 provided in this section, be issued in the same manner as an  
19 original license issued under section 5b. **AN APPLICANT IS ELIGIBLE**  
20 **FOR A RENEWAL OF A LICENSE UNDER THIS SECTION IF HIS OR HER LICENSE**  
21 **IS NOT EXPIRED, OR EXPIRED WITHIN A 5-YEAR PERIOD PRIOR TO THE DATE**  
22 **OF APPLICATION UNDER THIS SECTION.**

23 (2) ~~(3)~~ Subject to subsections ~~(8)~~ (7) and ~~(9)~~, (8), an  
24 application to renew a license to carry a concealed pistol may be  
25 submitted not more than 6 months before the expiration of the  
26 current license. If the ~~concealed weapon licensing board~~ **AUTHORITY**  
27 approves the renewal, the effective date of the renewal license is

1 the date of expiration of the current license or the date of  
2 approval of the renewal, whichever is later, and the date of  
3 expiration is the applicant's date of birth which is not less than  
4 4 years or more than 5 years from the effective date of the  
5 license.

6 (3) ~~(4)~~—The ~~concealed weapon licensing board~~ **AUTHORITY** shall  
7 issue or deny issuance of a renewal license within ~~60~~ **45** days after  
8 the **DATE OF** application for renewal. ~~is properly submitted.~~ The  
9 county clerk shall issue the applicant a receipt for his or her  
10 renewal application at the time the application is submitted. The  
11 receipt shall 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) A statement that the receipt is for a license renewal.  
16 (e) A statement of whether the applicant qualifies for an  
17 extension under subsection ~~(5)~~ **(4)**.  
18 (f) The name of the county in which the receipt is issued.  
19 (g) An impression of the county seal.

20 (4) ~~(5)~~—If the ~~concealed weapon licensing board~~ **AUTHORITY**  
21 fails to deny or issue a renewal license to the person within ~~60~~ **45**  
22 days as required under subsection ~~(4)~~ **(3)**, the expiration date of  
23 the current license is extended by 180 days or until the renewal  
24 license is issued, whichever occurs first, **AND THE CLERK OF THE**  
25 **LICENSING AUTHORITY SHALL REFUND THE PORTION OF THE APPLICATION AND**  
26 **LICENSING FEE DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND**  
27 **UNDER SECTION 5B(5) TO THE APPLICANT.** ~~This subsection does not~~

1 ~~apply unless the person pays the renewal fee at the time the~~  
2 ~~renewal application is submitted and the person has submitted a~~  
3 ~~receipt from a police agency that confirms that a background check~~  
4 ~~has been requested by the applicant.~~ THE REFUND SHALL BE PAID FROM  
5 THE ACCOUNT CREDITED TO THE LICENSING AUTHORITY WITHIN THE  
6 CONCEALED PISTOL LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT  
7 FUNDS WITHIN THAT ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN  
8 THAT BALANCE BEING PAID FROM THE COUNTY GENERAL FUND. THE REFUND  
9 SHALL BE PAID WITHIN 10 DAYS AFTER THE EXPIRATION OF THE 45-DAY  
10 PERIOD DESCRIBED IN THIS SUBSECTION. IF THE CLERK FAILS TO PAY THE  
11 REFUND OF THE PORTION OF THE APPLICATION AND LICENSING FEE  
12 DEPOSITED IN THE CONCEALED PISTOL LICENSING FUND UNDER SECTION  
13 5B(5) WITHIN THE 10-DAY PERIOD, THE CLERK OF THE LICENSING  
14 AUTHORITY SHALL INSTEAD IMMEDIATELY REFUND TO THE APPLICANT THE  
15 PORTION OF THE APPLICATION AND LICENSING FEE THAT WAS CREDITED TO  
16 THE LICENSING AUTHORITY AND THE PORTION THAT WAS CREDITED TO THE  
17 CLERK OF THE LICENSING AUTHORITY WITHIN THE CONCEALED PISTOL  
18 LICENSING FUND TO THE EXTENT THERE ARE SUFFICIENT FUNDS WITHIN EACH  
19 ACCOUNT TO PAY THE REFUND WITH ANY DEFICIT IN THAT BALANCE OF  
20 EITHER ACCOUNT BEING PAID FROM THE COUNTY GENERAL FUND. THE  
21 DEPARTMENT OF STATE POLICE SHALL PREPARE A FORM FOR OBTAINING  
22 REFUNDS UNDER THIS SUBSECTION AND SHALL INCLUDE THE FORM IN  
23 CONCEALED PISTOL APPLICATION KITS PROVIDED UNDER SECTION 5.

24 (5) ~~(6)~~—A person carrying a concealed pistol after the  
25 expiration date of his or her license pursuant to ~~UNDER~~ an  
26 extension under subsection ~~(5)~~—(4) shall keep the receipt issued by  
27 the county clerk under subsection ~~(4)~~—(3) and his or her expired

1 license in his or her possession at all times that he or she is  
2 carrying the pistol. For the purposes of this act, the receipt is  
3 considered to be part of the license to carry a concealed pistol  
4 until a renewal license is issued or denied. Failing to have the  
5 receipt and expired license in possession while carrying a  
6 concealed pistol or failing to display the receipt to a peace  
7 officer upon request is a violation of this act.

8 (6) ~~(7)~~—The educational requirements under section 5b(7)(c)  
9 are waived for an applicant who is **AN ACTIVE PEACE OFFICER**, a  
10 retired police officer, or **A** retired law enforcement officer.

11 (7) ~~(8)~~—The educational requirements under section 5b(7)(c)  
12 for an applicant who is applying for a renewal of a license under  
13 this act are waived except that the applicant shall certify that he  
14 or she has completed at least 3 hours' review of the training  
15 described under section 5b(7)(c) and has had at least 1 hour of  
16 firing range time in the 6 months immediately preceding the  
17 subsequent application. **BEGINNING MAY 1, 2013, THE APPLICANT SHALL**  
18 **ALSO CERTIFY THAT IN THE 1 HOUR OR MORE OF FIRING RANGE TIME**  
19 **REQUIRED BY THIS SUBSECTION, THE APPLICANT FIRED AT LEAST 98**  
20 **ROUNDS. THE EDUCATIONAL AND FIRING RANGE REQUIREMENTS OF THIS**  
21 **SUBSECTION ARE MET IF THE APPLICANT CERTIFIES ON THE RENEWAL**  
22 **APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH THE REQUIREMENTS**  
23 **OF THIS SUBSECTION. THE LICENSING AUTHORITY SHALL NOT OTHERWISE**  
24 **REQUIRE VERIFICATION OF THE STATEMENTS MADE UNDER THIS SUBSECTION**  
25 **AND SHALL NOT REQUIRE AN APPLICANT TO OBTAIN A CERTIFICATE OR**  
26 **UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS SUBSECTION.**

27 (8) ~~(9)~~ Beginning January 1, 2007, ~~an~~ **AN** applicant who is

1 applying for a renewal of a license issued under section 5b is not  
2 required to have fingerprints taken again under section 5b(9) if  
3 all of the following conditions have been met:

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

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

12 Sec. 5m. ~~A prosecuting attorney~~ **THE DEPARTMENT OF STATE POLICE**  
13 shall promptly notify the ~~county concealed weapon licensing board~~  
14 **AUTHORITY OF THE COUNTY** that issued the license of a criminal  
15 charge against a license holder for a felony or specified criminal  
16 offense as defined in this act. The ~~prosecuting attorney~~ **DEPARTMENT**  
17 **OF STATE POLICE** shall promptly notify the ~~county concealed weapon~~  
18 ~~licensing board~~ **LICENSING AUTHORITY OF THE COUNTY** that issued the  
19 license of the disposition of the criminal charge. If a license  
20 holder is convicted of a crime, the **LICENSING AUTHORITY SHALL**  
21 **REQUEST THE** ~~prosecuting attorney's notification shall~~ **ATTORNEY TO**  
22 indicate if the crime involved the brandishing or use of a pistol,  
23 if a pistol was carried by the license holder during the commission  
24 of the crime, or if no pistol was carried by the license holder  
25 during the commission of the crime. The state police shall provide  
26 a form for reporting purposes. Each year by a date determined by  
27 the director of the department of state police, the ~~chairperson of~~

1 ~~the county concealed weapon licensing board~~ **LICENSING AUTHORITY**  
2 shall compile and provide a report to the department of state  
3 police in a format determined by the director of the department of  
4 state police containing the information provided to the ~~concealed~~  
5 ~~weapon licensing board~~ **LICENSING AUTHORITY** under this section,  
6 section 5f(6), or section 5k(7) or (8).

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

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

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

21       (c) A sports arena or stadium.

22       (d) A bar or tavern licensed under the Michigan liquor control  
23 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the  
24 primary source of income of the business is the sale of alcoholic  
25 liquor by the glass and consumed on the premises. This subdivision  
26 does not apply to an owner or employee of the business. The  
27 Michigan liquor control commission shall develop and make available

1 to holders of licenses under the Michigan liquor control code of  
2 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign  
3 stating that "This establishment prohibits patrons from carrying  
4 concealed weapons". The owner or operator of an establishment  
5 licensed under the Michigan liquor control code of 1998, 1998 PA  
6 58, MCL 436.1101 to 436.2303, may, but is not required to, post the  
7 sign developed under this subdivision. A record made available by  
8 an establishment licensed under the Michigan liquor control code of  
9 1998, 1998 PA 58, MCL 436.1101 to 436.2303, necessary to enforce  
10 this subdivision is exempt from disclosure under the freedom of  
11 information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

22 (g) A hospital.

23 (h) A dormitory or classroom of a community college, college,  
24 or university.

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



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

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

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

11           (a) An individual licensed under this act who is a retired  
12 police officer or retired law enforcement officer. The ~~concealed~~  
13 ~~weapon-licensing board may require a letter from the law~~  
14 ~~enforcement agency stating~~ **AUTHORITY SHALL CONTACT THE APPROPRIATE**  
15 **POLICE OR LAW ENFORCEMENT AGENCY TO VERIFY** that the retired police  
16 officer or law enforcement officer retired in good standing.

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

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

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

27           (e) An individual who is licensed under this act and who is a

1 motor carrier officer or capitol security officer of the department  
2 of state police.

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

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

8 (h) An individual who is licensed under this act and who is a  
9 parole or probation officer of the department of corrections.

10 (i) A state **OR FEDERAL** court judge or state **OR FEDERAL** court  
11 retired judge who is licensed under this act. ~~The concealed weapon~~  
12 ~~licensing board may require a state court retired judge to obtain~~  
13 ~~and carry a letter from the judicial tenure commission stating that~~  
14 ~~the state court retired judge is in good standing as authorized~~  
15 ~~under section 30 of article VI of the state constitution of 1963,~~  
16 ~~and rules promulgated under that section, in order to qualify under~~  
17 ~~this subdivision.~~

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

20 **(K) AN INDIVIDUAL WHO APPLIES FOR AND IS GRANTED AN EXEMPTION**  
21 **FROM THIS SECTION BY THE LICENSING AUTHORITY. AN INDIVIDUAL IS**  
22 **ELIGIBLE FOR AN EXEMPTION FROM THIS SECTION ONLY IF THE INDIVIDUAL**  
23 **REQUESTS AN EXEMPTION ON HIS OR HER LICENSE APPLICATION AND 1 OR**  
24 **MORE OF THE FOLLOWING APPLY:**

25 **(i) THE INDIVIDUAL IS A LICENSEE OR IS APPLYING FOR AN INITIAL**  
26 **OR RENEWAL LICENSE OR AN EXEMPTION UNDER THIS SUBDIVISION WHO**  
27 **PROVIDES A CERTIFICATE INDICATING ON ITS FACE THAT THE INDIVIDUAL**

1 HAS COMPLETED NOT LESS THAN 8 HOURS OF TRAINING IN ADDITION TO THE  
2 TRAINING REQUIRED UNDER SECTIONS 5B(7)(C) AND 5J THAT SATISFIES ALL  
3 OF THE FOLLOWING CONDITIONS:

4 (A) IT INCLUDES BOTH CLASSROOM AND RANGE TIME.

5 (B) IT INCLUDES THE FIRING OF NOT FEWER THAN AN ADDITIONAL 94  
6 ROUNDS.

7 (C) IT FOCUSES ON THE TRAINING PRINCIPLES DESCRIBED IN SECTION  
8 5B(7)(C) AS THEY APPLY TO PUBLIC PLACES AND PREMISES LISTED IN  
9 SUBSECTION (1) AS LIMITED UNDER SUBSECTION (5).

10 (D) IT IS PROVIDED BY AN AGENCY OF THIS STATE OR BY A NATIONAL  
11 OR STATE FIREARMS TRAINING ORGANIZATION.

12 (E) THE TRAINING INSTRUCTOR IS CERTIFIED AS A FIREARMS  
13 INSTRUCTOR BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS  
14 TRAINING ORGANIZATION AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE  
15 TRAINING UNDER SECTION 5B(7)(C).

16 (F) THE TRAINING IS COMPLETED NOT MORE THAN 5 YEARS  
17 IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR AN ORIGINAL OR  
18 RENEWAL LICENSE OR AN EXEMPTION UNDER THIS SUBDIVISION.

19 (ii) THE INDIVIDUAL IS CERTIFIED AS A FIREARMS INSTRUCTOR BY  
20 THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING  
21 ORGANIZATION, AND IS ELIGIBLE UNDER SECTION 5J TO PROVIDE TRAINING  
22 UNDER SECTION 5B(7)(C). IT IS PRIMA FACIE EVIDENCE THAT THE  
23 INDIVIDUAL IS ELIGIBLE FOR AN EXEMPTION UNDER THIS SUBPARAGRAPH IF  
24 THE INDIVIDUAL POSSESSES A CERTIFICATE AS A FIREARMS INSTRUCTOR  
25 ISSUED BY THIS STATE OR BY A NATIONAL OR STATE FIREARMS TRAINING  
26 ORGANIZATION THAT MEETS THE REQUIREMENTS OF SECTION 5J.

27 (6) THE LICENSING AUTHORITY MAY DELEGATE THE RESPONSIBILITY

1 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SUBSECTION  
2 (5) (K) TO THE CLERK OF THE LICENSING AUTHORITY FOR CURRENT  
3 LICENSEES ONLY.

4 (7) THE LICENSING AUTHORITY OR THE CLERK UNDER SUBSECTION (6),  
5 AS APPLICABLE, SHALL WITHIN 10 DAYS AFTER RECEIVING AN APPLICATION  
6 FOR AN EXEMPTION, EITHER ISSUE OR DENY ISSUANCE OF THE EXEMPTION  
7 AND SEND BY FIRST-CLASS MAIL IN A SEALED ENVELOPE A REPLACEMENT  
8 LICENSE TO THE APPLICANT WITH THE EXEMPTION INDORSEMENT OR, IF THE  
9 EXEMPTION IS DENIED, A NOTICE OF DENIAL. IF THE EXEMPTION IS  
10 DENIED, THE NOTICE OF DENIAL SHALL SPECIFICALLY STATE THE STATUTORY  
11 AUTHORITY FOR THE DENIAL. NOTHING IN THIS SUBSECTION PROHIBITS THE  
12 LICENSING AUTHORITY OR THE CLERK, AS APPLICABLE, FROM MAKING A  
13 DETERMINATION REGARDING THE EXEMPTION AT THE TIME THE APPLICATION  
14 IS SUBMITTED AND IMMEDIATELY EITHER ISSUING A REPLACEMENT LICENSE  
15 TO THE APPLICANT THAT CONTAINS THE EXEMPTION INDORSEMENT OR DENYING  
16 THE EXEMPTION AND IMMEDIATELY PROVIDING THE WRITTEN NOTICE OF THE  
17 DENIAL, INCLUDING THE STATEMENT OF THE STATUTORY AUTHORITY FOR THE  
18 DENIAL, TO THE APPLICANT.

19 (8) IF THE LICENSING AUTHORITY DELEGATES THE RESPONSIBILITY  
20 FOR ISSUING OR DENYING ISSUANCE OF AN EXEMPTION UNDER SECTION 50 TO  
21 THE CLERK OF THE LICENSING AUTHORITY, THE ENTIRE FEE PAID FOR THE  
22 EXEMPTION AND THE REPLACEMENT LICENSE SHALL BE DEPOSITED IN THE  
23 CONCEALED PISTOL LICENSING FUND AND CREDITED TO THE ACCOUNT  
24 ESTABLISHED FOR THE CLERK OF THE LICENSING AUTHORITY.

25 (9) IF THE APPLICANT IS LICENSED UNDER THIS ACT TO CARRY A  
26 CONCEALED PISTOL AT THE TIME HE OR SHE IS GRANTED AN EXEMPTION  
27 UNDER SECTION 50, THE APPLICANT SHALL SURRENDER HIS OR HER LICENSE

1 TO THE LICENSING AUTHORITY BY MAIL OR IN PERSON IMMEDIATELY UPON  
2 RECEIVING HIS OR HER REPLACEMENT LICENSE CONTAINING THE EXEMPTION  
3 INDORSEMENT.

4 (10) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A  
5 CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION  
6 12A(1) (H), SHALL NOT INTENTIONALLY DISPLAY OR OPENLY CARRY A PISTOL  
7 ON THE PREMISES LISTED IN SUBSECTION (1) (A) TO (H) UNLESS THE  
8 INDIVIDUAL OWNS THE PREMISES DESCRIBED IN SUBSECTION (1) OR IS  
9 EMPLOYED OR CONTRACTED BY THE OWNER OR OTHER PERSON WITH CONTROL  
10 OVER THE PREMISES DESCRIBED IN SUBSECTION (1), IF THE POSSESSION OF  
11 THE FIREARM IS TO PROVIDE SECURITY SERVICES FOR THE PREMISES OR IS  
12 OTHERWISE IN THE SCOPE OF THE INDIVIDUAL'S OFFICIAL DUTIES, OR THE  
13 INDIVIDUAL IS ACTING WITH THE EXPRESS WRITTEN CONSENT OF THE OWNER  
14 OF THE PREMISES OR AN AGENT OF THE OWNER OF THE PREMISES.

15 (11) ~~(6)~~—An individual who violates this section is  
16 responsible for a state civil infraction or guilty of a crime as  
17 follows:

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

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

26 (c) For a third or subsequent violation, the individual is  
27 guilty of a felony punishable by imprisonment for not more than 4

1 years or a fine of not more than \$5,000.00, or both. The court  
2 shall order the individual's license to carry a concealed pistol  
3 revoked.

4 SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL  
5 LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED UNDER THIS ACT.  
6 THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE CONCEALED  
7 PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND INTEREST AND  
8 EARNINGS FROM FUND INVESTMENTS.

9 (2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING  
10 FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND  
11 ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN  
12 APPROPRIATION. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL  
13 LICENSING FUND SHALL BE USED BY THE COUNTY CLERK AS CLERK OF THE  
14 LICENSING AUTHORITY AND BY THE LICENSING AUTHORITY FROM EACH OF  
15 THEIR RESPECTIVE ACCOUNTS WITHIN THE FUND ONLY FOR THE COST OF  
16 ADMINISTERING THIS ACT. ALLOWABLE EXPENDITURES INCLUDE, BUT ARE NOT  
17 LIMITED TO, PAYING REFUNDS REQUIRED UNDER THIS ACT AND FOR ANY OF  
18 THE FOLLOWING COSTS OF THE LICENSING AUTHORITY OR OF THE COUNTY  
19 CLERK OR CLERK OF THE LICENSING AUTHORITY:

20 (A) STAFFING REQUIREMENTS.

21 (B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE  
22 FINGERPRINTS BY ELECTRONIC MEANS.

23 (C) OFFICE SUPPLIES.

24 (D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM  
25 UPGRADES.

26 Sec. 8. (1) ~~The concealed weapon licensing board that issued a~~  
27 ~~license to an individual to carry a concealed pistol LICENSING~~

1 **AUTHORITY** may **SUSPEND OR** revoke ~~that~~ **A** license **AS PERMITTED UNDER**  
2 **THIS ACT** if the ~~board~~-**LICENSING AUTHORITY** determines that the  
3 individual committed any violation of this act other than a  
4 violation of section 5f(4). If the ~~board~~-**LICENSING AUTHORITY**  
5 determines that the individual has been found responsible for 3 or  
6 more state civil infraction violations of this act during the  
7 license period, the ~~board~~-**LICENSING AUTHORITY** shall conduct a  
8 hearing and may suspend the individual's license for not more than  
9 1 year.

10 (2) Except as provided in subsections (3), (4), and (5), a  
11 license shall not be **SUSPENDED OR** revoked under this section except  
12 upon written complaint and an opportunity for a hearing ~~before~~  
13 **BETWEEN THE LICENSEE AND** the ~~board~~-**LICENSING AUTHORITY**. The ~~board~~  
14 **LICENSING AUTHORITY** shall give the individual at least 10 days'  
15 notice of a hearing under this section. The notice shall be by  
16 personal service **BY THE LICENSING AUTHORITY** or by ~~certified~~-**FIRST-**  
17 **CLASS** mail ~~delivered~~-**IN A SEALED ENVELOPE SENT BY THE CLERK OF THE**  
18 **LICENSING AUTHORITY** to the individual's last known address.

19 (3) If the ~~concealed weapon licensing board~~-**LICENSING**  
20 **AUTHORITY** is notified by a law enforcement agency or prosecuting  
21 official that an individual licensed to carry a concealed pistol is  
22 charged with a felony or misdemeanor as defined in this act, the  
23 ~~concealed weapon licensing board~~-**LICENSING AUTHORITY** shall  
24 immediately suspend the individual's license until there is a final  
25 disposition of the charge for that offense and **THE CLERK OF THE**  
26 **LICENSING AUTHORITY SHALL** send notice **BY FIRST-CLASS MAIL IN A**  
27 **SEALED ENVELOPE** of that suspension to the individual's last known

1 address as indicated in the records of the ~~concealed weapon~~  
2 ~~licensing board~~. **LICENSING AUTHORITY**. The notice shall inform the  
3 individual that he or she is entitled to a prompt hearing on the  
4 suspension, and the ~~concealed weapon licensing board~~ **LICENSING**  
5 **AUTHORITY** shall conduct a prompt hearing **BETWEEN THE LICENSEE AND**  
6 **THE LICENSING AUTHORITY** if requested in writing by the individual.  
7 ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (6), THE** requirements of  
8 subsection (2) do not apply to this subsection.

9 (4) The ~~concealed weapon licensing board~~ that issued a license  
10 to an individual to carry a concealed pistol **LICENSING AUTHORITY**  
11 shall revoke that license if the ~~board~~ **LICENSING AUTHORITY**  
12 determines that the individual is not eligible under this act to  
13 receive a license to carry a concealed pistol. The ~~concealed weapon~~  
14 ~~licensing board~~ **CLERK OF THE LICENSING AUTHORITY** shall immediately  
15 send notice of the fact of and the reason for the revocation under  
16 this subsection by ~~first class mail~~ **IN A SEALED ENVELOPE** to the  
17 individual's last known address as indicated on the records of the  
18 ~~concealed weapon licensing board~~. ~~The~~ **LICENSING AUTHORITY. EXCEPT**  
19 **AS PROVIDED IN SUBSECTION (6), THE** requirements of subsection (2)  
20 do not apply to this subsection.

21 (5) If the ~~concealed weapon licensing board~~ **LICENSING**  
22 **AUTHORITY** determines by clear and convincing evidence based on  
23 specific articulable facts that the applicant poses a danger to the  
24 applicant or to any other person, the ~~concealed weapon licensing~~  
25 ~~board~~ **LICENSING AUTHORITY** shall immediately suspend the  
26 individual's license pending a **SUSPENSION OR** revocation hearing  
27 under this section. The ~~concealed weapon licensing board~~ **CLERK OF**



1 THE LICENSING AUTHORITY shall send notice of the suspension to the  
2 individual's last known address as indicated in the records of the  
3 ~~concealed weapon licensing board.~~ LICENSING AUTHORITY. The notice  
4 shall inform the individual that he or she is entitled to a prompt  
5 hearing on the suspension, and the ~~concealed weapon licensing board~~  
6 LICENSING AUTHORITY shall conduct a prompt hearing if requested in  
7 writing by the individual. ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION  
8 (6), THE requirements of subsection (2) do not apply to this  
9 subsection.

10 (6) A HEARING UNDER THIS SECTION SHALL BE CLOSED TO THE PUBLIC  
11 UPON THE REQUEST OF THE INDIVIDUAL. THE INDIVIDUAL IS ENTITLED TO  
12 BE REPRESENTED BY LEGAL COUNSEL DURING THE HEARING AND TO PRESENT  
13 RELEVANT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES, IN HIS OR  
14 HER BEHALF. IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE  
15 SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS,  
16 AS APPLICABLE, OR UNTIL A SPECIFIC DATE. THE LICENSEE SHALL  
17 PROMPTLY SURRENDER HIS OR HER LICENSE TO THE CLERK OF THE LICENSING  
18 AUTHORITY AFTER BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN  
19 REVOKED OR SUSPENDED.

20 (7) IF A LICENSING AUTHORITY ORDERED A LICENSE SUSPENDED UNDER  
21 THIS SECTION AND THAT LICENSE WAS SURRENDERED BY THE LICENSEE, THE  
22 LICENSING AUTHORITY SHALL, UPON THE EXPIRATION OF THE SUSPENSION  
23 PERIOD, AUTOMATICALLY REINSTATE THE LICENSE IF THE LICENSE WAS  
24 SUSPENDED AS REQUIRED UNDER SUBSECTION (5), IS NOT EXPIRED, AND THE  
25 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE UNDER THIS  
26 ACT TO CARRY A CONCEALED PISTOL. THE CLERK OF THE LICENSING  
27 AUTHORITY SHALL NOTIFY THE INDIVIDUAL BY FIRST-CLASS MAIL IN A

1 SEALED ENVELOPE SENT TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS  
2 SHOWN BY THE RECORDS OF THE LICENSING AUTHORITY THAT HIS OR HER  
3 LICENSE HAS BEEN REINSTATED. THE NOTICE SHALL BE SENT WITHIN 7 DAYS  
4 AFTER THE LICENSE IS REINSTATED BY THE LICENSING AUTHORITY. A  
5 LICENSING AUTHORITY MAY CHARGE A FEE OF NOT MORE THAN \$20.00 FOR  
6 THE REINSTATEMENT OF A REVOKED OR SUSPENDED LICENSE. THE CLERK  
7 SHALL COLLECT ANY REINSTATEMENT FEE PAID UNDER THIS SUBSECTION FOR  
8 DEPOSIT IN THE CONCEALED PISTOL LICENSING FUND, DIVIDED EQUALLY  
9 BETWEEN THE ACCOUNT OF THE LICENSING AUTHORITY AND THE CLERK.

10 (8) ~~(6)~~ If the ~~concealed weapon licensing board~~ LICENSING  
11 AUTHORITY orders a license suspended, ~~or~~ revoked, OR REINSTATED  
12 under this section or amends a suspension, ~~or~~ revocation, OR  
13 REINSTATEMENT order, the ~~concealed weapon licensing board~~ LICENSING  
14 AUTHORITY shall immediately notify a law enforcement agency having  
15 jurisdiction in the county in which the ~~concealed weapon licensing~~  
16 ~~board~~ LICENSING AUTHORITY is located to enter the order or amended  
17 order into the law enforcement information network. A law  
18 enforcement agency that receives notice of an order or amended  
19 order under this subsection from a ~~concealed weapon licensing board~~  
20 LICENSING AUTHORITY shall immediately enter the order or amended  
21 order into the law enforcement information network as requested by  
22 that ~~concealed weapon licensing board~~ LICENSING AUTHORITY.

23 (9) ~~(7)~~ A suspension or revocation order or amended order  
24 issued under this section is immediately effective. However, an  
25 individual is not criminally liable for violating the order or  
26 amended order unless he or she has received notice of the order or  
27 amended order.

1           (10) ~~(8)~~—If an individual is carrying a pistol in violation of  
2 a suspension or revocation order or amended order issued under this  
3 section but has not previously received notice of the order or  
4 amended order, the individual shall be informed of the order or  
5 amended order and be given an opportunity to properly store the  
6 pistol or otherwise comply with the order or amended order before  
7 an arrest is made for carrying the pistol in violation of this act.

8           (11) ~~(9)~~—If a law enforcement agency or officer notifies an  
9 individual of a suspension or revocation order or amended order  
10 issued under this section who has not previously received notice of  
11 the order or amended order, the law enforcement agency or officer  
12 shall enter a statement into the law enforcement information  
13 network that the individual has received notice of the order or  
14 amended order under this section.

15           (12) ~~(10)~~—The clerk of the ~~concealed weapon licensing board~~  
16 **LICENSING AUTHORITY** is authorized to administer an oath to any  
17 individual testifying before the ~~board~~ **LICENSING AUTHORITY** at a  
18 hearing under this section.

19           Enacting section 1. Section 6a of 1927 PA 372, MCL 28.426a, is  
20 repealed.