

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

by amending sections 5a, 5b, 5e, 5k, and 5l (MCL 28.425a, 28.425b, 28.425e, 28.425k, and 28.425l), sections 5a, 5e, and 5k as added by 2000 PA 381 and sections 5b and 5l as amended by 2008 PA 406.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) Each county shall have a concealed weapon



1 licensing board. The concealed weapon licensing board of each
2 county shall have the following members:

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

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

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

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

27 (a) The prosecuting attorney shall be notified of all



1 applications received by the concealed weapon licensing board.

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

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

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

19 (4) The county clerk shall serve as the clerk of the concealed
20 weapon licensing board.

21 (5) Except as otherwise provided in this act, the concealed
22 weapon licensing board has exclusive authority to issue ~~OR deny~~
23 **ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL. EXCEPT AS**
24 **OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED WEAPON LICENSING**
25 **BOARD THAT ISSUED THE LICENSE HAS EXCLUSIVE AUTHORITY TO** revoke ~~or~~
26 or suspend a license **ISSUED BY THAT BOARD** to carry a concealed
27 pistol. The concealed weapon licensing board shall perform other



1 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.

7 (7) The concealed weapon licensing board may investigate the
8 applicant for a license to carry a concealed pistol. The
9 investigation shall be restricted to determining only whether the
10 applicant is eligible under this act to receive a license to carry
11 a concealed pistol, and the investigation regarding the issuance of
12 a license shall end after that determination is made. The concealed
13 weapon licensing board may require the applicant to appear before
14 the board ~~at a mutually agreed upon time~~ for a conference **ONLY IF**
15 **THE CONCEALED WEAPON LICENSING BOARD HAS REASON TO BELIEVE THAT THE**
16 **APPLICANT MAY NOT BE QUALIFIED TO RECEIVE A LICENSE TO CARRY A**
17 **CONCEALED PISTOL. THE NOTIFICATION TO APPEAR SHALL BE IN WRITING**
18 **AND SHALL BE PROVIDED TO THE APPLICANT IN PERSON OR BY MAIL SENT TO**
19 **HIS OR HER ADDRESS ON RECORD WITH THE CONCEALED WEAPON LICENSING**
20 **BOARD. THE NOTIFICATION SHALL INCLUDE A SPECIFIC STATUTORY CITATION**
21 **TO EACH DISQUALIFICATION TO BE ADDRESSED. THE CONFERENCE SHALL BE**
22 **HELD AT A DATE AND TIME THAT IS MUTUALLY AGREEABLE TO THE CONCEALED**
23 **WEAPON LICENSING BOARD AND THE APPLICANT.** The applicant's failure
24 or refusal to appear without valid reason before the concealed
25 weapon licensing board as provided in this subsection is grounds
26 for the board to deny issuance of a license to carry a concealed
27 pistol to that applicant.



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

13 (9) The legislative service bureau shall compile the firearms
14 laws of this state, including laws that apply to carrying a
15 concealed pistol, and shall provide copies of the compilation to
16 each concealed weapon licensing board in this state for
17 distribution under this subsection. A concealed weapon licensing
18 board shall distribute a copy of the compilation to each individual
19 who applies for a license to carry a concealed pistol at the time
20 the application is submitted. The concealed weapon licensing board
21 shall require the applicant to sign a written statement
22 acknowledging that he or she has received a copy of the
23 compilation. An individual is not eligible to receive a license to
24 carry a concealed pistol until he or she has signed the statement.

25 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
26 an individual shall apply to ~~the~~ **A** concealed weapon licensing
27 board. ~~in the county in which that individual resides.~~ **THE**



1 **APPLICATION MAY BE SUBMITTED TO THE CONCEALED WEAPON LICENSING**
2 **BOARD IN ANY COUNTY.** The application shall be filed with the county
3 clerk during the county clerk's normal business hours. The
4 application shall be on a form provided by the director of the
5 department of state police and shall allow the applicant to
6 designate whether the applicant seeks a temporary license. The
7 application shall be signed under oath by the applicant. The oath
8 shall be administered by the county clerk or his or her
9 representative. The application shall contain all of the following
10 information:

11 (a) The applicant's legal name and date of birth and the
12 address of his or her primary residence. If the applicant resides
13 in a city, village, or township that has a police department, the
14 name of the police department. Information received under this
15 subdivision is confidential, is not subject to disclosure under the
16 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and
17 shall not be disclosed to any person except for purposes of this
18 act or for law enforcement purposes.

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

21 (c) A statement by the applicant authorizing the concealed
22 weapon licensing board to access any record, including any medical
23 record, pertaining to the applicant's qualifications for a license
24 to carry a concealed pistol under this act. The applicant may
25 request that information received by the concealed weapon licensing
26 board under this subdivision be reviewed in a closed session. If
27 the applicant requests that the session be closed, the concealed



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

10 (d) A statement by the applicant regarding whether he or she
11 has a history of mental illness that would disqualify him or her
12 under subsection (7)(j) to (l) from receiving a license to carry a
13 concealed pistol, and authorizing the concealed weapon licensing
14 board to access the mental health records of the applicant relating
15 to his or her mental health history. The applicant may request that
16 information received by the concealed weapon licensing board under
17 this subdivision be reviewed in a closed session. If the applicant
18 requests that the session be closed, the concealed weapon licensing
19 board shall close the session only for purposes of this
20 subdivision. The applicant and his or her representative have the
21 right to be present in the closed session. Medical records and
22 personal identifying information received by the concealed weapon
23 licensing board under this subdivision is confidential, is not
24 subject to disclosure under the freedom of information act, 1976 PA
25 442, MCL 15.231 to 15.246, and shall not be disclosed to any person
26 except for purposes of this act or for law enforcement purposes.

27 (e) A statement by the applicant regarding whether he or she



1 has ever been convicted in this state or elsewhere for any of the
2 following:

3 (i) Any felony.

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

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

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

11 (h) The names, residential addresses, and telephone numbers of
12 2 individuals who are references for the applicant. Information
13 received under this subdivision is confidential, is not subject to
14 disclosure under the freedom of information act, 1976 PA 442, MCL
15 15.231 to 15.246, and shall not be disclosed to any person except
16 for purposes of this act or for law enforcement purposes.

17 (i) A passport-quality photograph of the applicant provided by
18 the applicant at the time of application.

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

21 (2) The application form shall contain a conspicuous warning
22 that the application is executed under oath and that intentionally
23 making a material false statement on the application is a felony
24 punishable by imprisonment for not more than 4 years or a fine of
25 not more than \$2,500.00, or both.

26 (3) An individual who intentionally makes a material false
27 statement on an application under subsection (1) is guilty of a



1 felony punishable by imprisonment for not more than 4 years or a
2 fine of not more than \$2,500.00, or both.

3 (4) The concealed weapon licensing board shall retain a copy
4 of each application for a license to carry a concealed pistol as an
5 official record. One year after the expiration of a concealed
6 pistol license, the county clerk may destroy the record and
7 maintain only a name index of the record.

8 (5) Each applicant shall pay a nonrefundable fee of \$105.00 by
9 any method of payment accepted by that county for payments of other
10 fees and penalties. Except for a local police agency as provided in
11 subsection (9), a unit of local government, an agency of a unit of
12 local government, or an agency or department of this state shall
13 not charge an additional fee, assessment, or other amount in
14 connection with a license under this section. The fee shall be
15 payable to the county. The county treasurer shall deposit \$41.00 of
16 each fee collected under this section in the general fund of the
17 county and credit \$26.00 of that deposit to the credit of the
18 county clerk and \$15.00 of that deposit to the credit of the county
19 sheriff and forward the balance to the state treasurer. The state
20 treasurer shall deposit the balance of the fee in the general fund
21 to the credit of the department of state police. The department of
22 state police shall use the money received under this act to process
23 the fingerprints and to reimburse the federal bureau of
24 investigation for the costs associated with processing fingerprints
25 submitted under this act. The balance of the money received under
26 this act shall be credited to the department of state police.

27 (6) The ~~county~~ sheriff **OF THE COUNTY IN WHICH THE APPLICATION**



1 **IS FILED SHALL**, on behalf of the concealed weapon licensing board,
2 ~~shall~~ verify the requirements of subsection (7)(d), (e), (f), (h),
3 (i), (j), (k), (l), and (m) through the law enforcement information
4 network and report his or her finding to the concealed weapon
5 licensing board. If the applicant resides in a city, village, or
6 township that has a police department, the concealed weapon
7 licensing board shall contact that city, village, or township
8 police department to determine only whether that city, village, or
9 township police department has any information relevant to the
10 investigation of whether the applicant is eligible under this act
11 to receive a license to carry a concealed pistol. The concealed
12 weapon licensing board may require a person claiming active duty
13 status with the United States armed forces under this section to
14 provide proof of 1 or both of the following:

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

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

17 (7) The concealed weapon licensing board shall issue a license
18 to an applicant to carry a concealed pistol within the period
19 required under this act after the applicant properly submits an
20 application under subsection (1) and the concealed weapon licensing
21 board determines that all of the following circumstances exist:

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

23 (b) The applicant is a citizen of the United States or is an
24 alien lawfully admitted into the United States, is a legal resident
25 of this state, and has resided in this state for not less than the
26 6 months immediately preceding the date of application. The
27 concealed weapon licensing board may waive the 6-month residency



1 requirement for a temporary license under section 5a(8) if the
2 concealed weapon licensing board determines there is probable cause
3 to believe the safety of the applicant or the safety of a member of
4 the applicant's family is endangered by the applicant's inability
5 to immediately obtain a license to carry a concealed pistol. If the
6 applicant holds a valid concealed pistol license issued by another
7 state at the time the applicant's residency in this state is
8 established, the concealed weapon licensing board may waive the 6-
9 month waiting period and the applicant may apply for a concealed
10 pistol license at the time the applicant's residency in this state
11 is established. The concealed weapon licensing board shall
12 immediately issue a temporary license to that applicant. The
13 temporary license shall be valid until the concealed weapon
14 licensing board decides whether to grant or deny the application.
15 For the purposes of this section, a person shall be considered a
16 legal resident of this state if any of the following apply:

17 (i) The person has a valid, lawfully obtained Michigan driver
18 license issued under the Michigan vehicle code, 1949 PA 300, MCL
19 257.1 to 257.923, or official state personal identification card
20 issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

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



1 (c) The applicant has knowledge and has had training in the
2 safe use and handling of a pistol by the successful completion of a
3 pistol safety training course or class that meets the requirements
4 of section 5j, and that is available to the general public and
5 presented by a law enforcement agency, junior or community college,
6 college, or public or private institution or organization or
7 firearms training school.

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

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

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

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

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

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

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

26 (f) The applicant has never been convicted of a felony in this
27 state or elsewhere, and a felony charge against the applicant is

1 not pending in this state or elsewhere at the time he or she
2 applies for a license described in this section.

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

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

8 (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL
9 257.617a (failing to stop when involved in a personal injury
10 accident).

11 (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL
12 257.625, punishable as provided in subsection (9)(b) of that
13 section (operating while intoxicated, second offense).

14 (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,
15 MCL 257.625m punishable under subsection (4) of that section
16 (operating a commercial vehicle with alcohol content, second
17 offense).

18 (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL
19 257.626 (reckless driving).

20 (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.904 (operating while license suspended or revoked),
22 punishable as a second or subsequent offense.

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

27 (vii) Section 29 of the weights and measures act, 1964 PA 283,



1 MCL 290.629 (hindering or obstructing certain persons performing
2 official weights and measures duties).

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

6 (ix) Section 81134 of the natural resources and environmental
7 protection act, 1994 PA 451, MCL 324.81134, punishable under
8 subsection (5) or (6) of that section (operating ORV under the
9 influence of intoxicating liquor or a controlled substance, second
10 or subsequent offense).

11 (x) Section 82127 of the natural resources and environmental
12 protection act, 1994 PA 451, MCL 324.82127, ~~(operating a snowmobile~~
13 ~~under the influence of intoxicating liquor or a controlled~~
14 ~~substance), punishable as a second or subsequent offense under~~
15 section 82128(1)(b) ~~or (e)~~ of the natural resources and
16 environmental protection act, 1994 PA 451, MCL 324.82128 (**OPERATING**
17 **A SNOWMOBILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A**
18 **CONTROLLED SUBSTANCE, SECOND OFFENSE**).

19 (xi) Section 80176 of the natural resources and environmental
20 protection act, 1994 PA 451, MCL 324.80176, and punishable under
21 section 80177(1)(b) (operating vessel under the influence of
22 intoxicating liquor or a controlled substance, second ~~or subsequent~~
23 offense).

24 (xii) Section 7403 of the public health code, 1978 PA 368, MCL
25 333.7403 (**POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE**
26 **ANALOGUE, OR PRESCRIPTION FORM**).

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



1 MCL 462.353, ~~(operating locomotive under the influence of~~
 2 ~~intoxicating liquor or a controlled substance, or while visibly~~
 3 ~~impaired)~~, punishable under subsection (4) of that section
 4 **(OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR**
 5 **A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE).**

6 (xiv) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexually
 7 explicit matter to minors).

8 (xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL
 9 750.81 (assault or domestic assault).

10 (xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA
 11 328, MCL 750.81a (aggravated assault or aggravated domestic
 12 assault).

13 (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL
 14 750.115 (breaking and entering or entering without breaking).

15 (xviii) Section ~~136b(6)~~ **136B(8)** of the Michigan penal code, 1931
 16 PA 328, MCL 750.136b (fourth degree child abuse).

17 ~~Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
 18 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
 19 ~~purposes).~~

20 (xix) ~~(xx)~~ Section 145n of the Michigan penal code, 1931 PA
 21 328, MCL 750.145n (vulnerable adult abuse).

22 (xx) ~~(xvi)~~ Section 157b(3)(b) of the Michigan penal code, 1931
 23 PA 328, MCL 750.157b (solicitation to commit a felony).

24 (xxi) ~~(xvii)~~ Section 215 of the Michigan penal code, 1931 PA 328,
 25 MCL 750.215 (impersonating peace officer or medical examiner).

26 (xxii) ~~(xviii)~~ Section 223 of the Michigan penal code, 1931 PA
 27 328, MCL 750.223 (illegal sale of a firearm or ammunition).



1 (**xxiii**) ~~(xxiv)~~—Section 224d of the Michigan penal code, 1931 PA
2 328, MCL 750.224d (illegal use or sale of a self-defense spray).

3 (**xiv**) ~~(xxv)~~—Section 226a of the Michigan penal code, 1931 PA
4 328, MCL 750.226a (sale or possession of a switchblade).

5 (**xxv**) ~~(xxvi)~~—Section 227c of the Michigan penal code, 1931 PA
6 328, MCL 750.227c (improper transportation of a loaded firearm).

7 (**xxvi**) ~~(xxvii)~~—Section 228 of the Michigan penal code, 1931 PA
8 328, MCL 750.228 (failure to have a pistol inspected).

9 (**xxvii**) ~~(xxviii)~~—Section 229 of the Michigan penal code, 1931 PA
10 328, MCL 750.229 (accepting a pistol in pawn).

11 (**xxviii**) ~~(xxix)~~—Section 232 of the Michigan penal code, 1931 PA
12 328, MCL 750.232 (failure to register the purchase of a firearm or
13 a firearm component).

14 (**xxix**) ~~(xxx)~~—Section 232a of the Michigan penal code, 1931 PA
15 328, MCL 750.232a (improperly obtaining a pistol, making a false
16 statement on an application to purchase a pistol, or using false
17 identification to purchase a pistol).

18 (**xxx**) ~~(xxxi)~~—Section 233 of the Michigan penal code, 1931 PA
19 328, MCL 750.233 (intentionally aiming a firearm without malice).

20 (**xxxi**) ~~(xxxii)~~—Section 234 of the Michigan penal code, 1931 PA
21 328, MCL 750.234 (intentionally discharging a firearm aimed without
22 malice).

23 (**xxxii**) ~~(xxxiii)~~—Section 234d of the Michigan penal code, 1931 PA
24 328, MCL 750.234d (possessing a firearm on prohibited premises).

25 (**xxxiii**) ~~(xxxiv)~~—Section 234e of the Michigan penal code, 1931 PA
26 328, MCL 750.234e (brandishing a firearm in public).

27 (**xxxiv**) ~~(xxxv)~~—Section 234f of the Michigan penal code, 1931 PA



1 328, MCL 750.234f (possession of a firearm by an individual less
2 than 18 years of age).

3 ~~(xxxv) (xxvi)~~—Section 235 of the Michigan penal code, 1931 PA
4 328, MCL 750.235 (intentionally discharging a firearm aimed without
5 malice causing injury).

6 ~~(xxxvi) (xxvii)~~—Section 235a of the Michigan penal code, 1931 PA
7 328, MCL 750.235a (parent of a minor who possessed a firearm in a
8 weapon free school zone).

9 ~~(xxxvii) (xxviii)~~—Section 236 of the Michigan penal code, 1931 PA
10 328, MCL 750.236 (setting a spring gun or other device).

11 ~~(xxxviii) (xxix)~~—Section 237 of the Michigan penal code, 1931 PA
12 328, MCL 750.237 (possessing a firearm while under the influence of
13 intoxicating liquor or a ~~drug~~). **CONTROLLED SUBSTANCE**).

14 ~~(xxxix) (xl)~~—Section 237a of the Michigan penal code, 1931 PA
15 328, MCL 750.237a (weapon free school zone violation).

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

18 ~~(xli) (xlii)~~—Section 411h of the Michigan penal code, 1931 PA
19 328, MCL 750.411h (stalking).

20 ~~(xlii) (xliii)~~—Section 520e of the Michigan penal code, 1931 PA
21 328, MCL 750.520e (fourth degree criminal sexual conduct).

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

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



1 (*xliv*) ~~(*xlvi*)~~ Section ~~3a-3~~ 3 of 1952 PA 45, MCL 752.863a (reckless
2 discharge of a firearm).

3 (*xlvi*) ~~(*xlvii*)~~ A violation of a law of the United States, another
4 state, or a local unit of government of this state or another state
5 substantially corresponding to a violation described in
6 subparagraphs (i) to ~~(*xlvi*)~~ (*xliv*).

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

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

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

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

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

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

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

26 (vii) Section 81134 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the



1 influence).

2 (viii) Section 81135 of the natural resources and environmental
3 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while
4 visibly impaired).

5 (ix) Section 82127 of the natural resources and environmental
6 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile
7 under the influence).

8 (x) Part 74 of the public health code, 1978 PA 368, MCL
9 333.7401 to 333.7461 (controlled substance violation).

10 (xi) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
11 462.353, ~~(operating locomotive under the influence)~~, punishable
12 under subsection (3) of that section (**OPERATING LOCOMOTIVE UNDER**
13 **THE INFLUENCE**).

14 (xii) Section 167 of the Michigan penal code, 1931 PA 328, MCL
15 750.167 (disorderly person).

16 (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL
17 750.174 (embezzlement).

18 (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL
19 750.218 (false pretenses with intent to defraud).

20 (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL
21 750.356 (larceny).

22 (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL
23 750.356d (second degree retail fraud).

24 (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL
25 750.359 (larceny —**FROM A vacant building OR STRUCTURE**).

26 (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL
27 750.362 (larceny by conversion).



1 (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL
2 750.362a (larceny-defrauding lessor).

3 (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL
4 750.377a (malicious destruction of property).

5 (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL
6 750.380 (malicious destruction of real property).

7 (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL
8 750.535 (receiving **OR CONCEALING** stolen property).

9 (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,
10 MCL 750.540e (malicious use of ~~telephones~~ **TELECOMMUNICATIONS**
11 **SERVICE OR DEVICE**).

12 (xxiv) A violation of a law of the United States, another
13 state, or a local unit of government of this state or another state
14 substantially corresponding to a violation described in
15 subparagraphs (i) to (xxiii).

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

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

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

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

27 (n) Issuing a license to the applicant to carry a concealed



1 pistol in this state is not detrimental to the safety of the
2 applicant or to any other individual. A determination under this
3 subdivision shall be based on clear and convincing evidence of
4 repeated violations of this act, crimes, personal protection orders
5 or injunctions, or police reports or other clear and convincing
6 evidence of the actions of, or statements of, the applicant that
7 bear directly on the applicant's ability to carry a concealed
8 pistol.

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

20 (9) An individual, after submitting an application and paying
21 the fee prescribed under subsection (5), shall request and have
22 classifiable fingerprints taken by the county sheriff or a local
23 police agency if that local police agency maintains fingerprinting
24 capability. If the individual requests that classifiable
25 fingerprints be taken by a local police agency, the individual
26 shall also pay to that local police agency a fee of \$15.00 by any
27 method of payment accepted by the unit of local government for



1 payments of other fees and penalties. The county sheriff or local
2 police agency shall take the fingerprints within 5 business days
3 after the request.

4 (10) The fingerprints shall be taken, under subsection (9), on
5 forms and in a manner prescribed by the department of state police.
6 The fingerprints shall be immediately forwarded to the department
7 of state police for comparison with fingerprints already on file
8 with the department of state police. The department of state police
9 shall forward the fingerprints to the federal bureau of
10 investigation. Within 10 days after receiving a report of the
11 fingerprints from the federal bureau of investigation, the
12 department of state police shall provide a copy to the submitting
13 sheriff's department or local police agency as appropriate and the
14 clerk of the appropriate concealed weapon licensing board. Except
15 as provided in subsection (14), the concealed weapon licensing
16 board shall not issue a concealed pistol license until it receives
17 the fingerprint comparison report prescribed in this subsection.
18 The concealed weapon licensing board may deny a license if an
19 individual's fingerprints are not classifiable by the federal
20 bureau of investigation.

21 (11) The concealed weapon licensing board shall deny a license
22 to an applicant to carry a concealed pistol if the applicant is not
23 qualified under subsection (7) to receive that license.

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

27 (13) Subject to subsections (10) and (14), the concealed



1 weapon licensing board shall issue or deny issuance of a license
2 within 45 days after the concealed weapon licensing board receives
3 the fingerprint comparison report provided under subsection (10).
4 If the concealed weapon licensing board denies issuance of a
5 license to carry a concealed pistol, the concealed weapon licensing
6 board shall within 5 business days do both of the following:

7 (a) Inform the applicant in writing of the reasons for the
8 denial. Information under this subdivision shall include all of the
9 following:

10 (i) A statement of the specific and articulable facts
11 supporting the denial.

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

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

16 (14) If the fingerprint comparison report is not received by
17 the concealed weapon licensing board within 60 days after the
18 fingerprint report is forwarded to the department of state police
19 by the federal bureau of investigation, the concealed weapon
20 licensing board shall issue a temporary license to carry a
21 concealed pistol to the applicant if the applicant is otherwise
22 qualified for a license. A temporary license issued under this
23 section is valid for 180 days or until the concealed weapon
24 licensing board receives the fingerprint comparison report provided
25 under subsection (10) and issues or denies issuance of a license to
26 carry a concealed pistol as otherwise provided under this act. Upon
27 issuance or the denial of issuance of the license to carry a



1 concealed pistol to an applicant who received a temporary license
2 under this section, the applicant shall immediately surrender the
3 temporary license to the concealed weapon licensing board that
4 issued that temporary license.

5 (15) If an individual licensed under this act to carry a
6 concealed pistol moves to a different county within this state, his
7 or her license remains valid until it expires or is otherwise
8 suspended or revoked under this act. A license to carry a concealed
9 pistol that is lost, stolen, or defaced may be replaced by the
10 issuing county clerk for a replacement fee of \$10.00.

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

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

23 (18) This section does not prohibit the concealed weapon
24 licensing board from making public and distributing to the public
25 at no cost lists of individuals who are certified as qualified
26 instructors as prescribed under section 5j.

27 (19) As used in this section:



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

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

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

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

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

25 Sec. 5e. (1) The department of state police shall create and
26 maintain a computerized database of individuals who apply under
27 this act for a license to carry a concealed pistol. The database



1 shall contain only the following information as to each individual:

2 (A) **THE NAME OF THE COUNTY IN WHICH THE APPLICATION IS FILED.**

3 (B) ~~(a)~~—The individual's name, date of birth, address, and
4 county of residence.

5 (C) ~~(b)~~—If the individual is licensed to carry a concealed
6 pistol in this state, the license number and date of expiration.

7 (D) ~~(e)~~—Except as provided in subsection (2), if the
8 individual was denied a license to carry a concealed pistol after
9 the effective date of the amendatory act that added this
10 subdivision, a statement of the reasons for that denial.

11 (E) ~~(d)~~—A statement of all criminal charges pending and
12 criminal convictions obtained against the individual during the
13 license period.

14 (F) ~~(e)~~—A statement of all determinations of responsibility
15 for civil infractions of this act pending or obtained against the
16 individual during the license period.

17 (2) If an individual who was denied a license to carry a
18 concealed pistol after the effective date of the amendatory act
19 that added this subsection is subsequently issued a license to
20 carry a concealed pistol, the department of state police shall
21 delete from the computerized database the previous reasons for the
22 denial.

23 (3) The department of state police shall enter the information
24 described in subsection ~~(1)(a)~~—**(1)(B)** and ~~(b)~~—**(C)** into the law
25 enforcement information network.

26 (4) Information in the database, compiled under subsections
27 (1) through (3), is confidential, is not subject to disclosure



1 under the freedom of information act, 1976 PA 442, MCL 15.231 to
2 15.246, and shall not be disclosed to any person except for
3 purposes of this act or for law enforcement purposes. The
4 information compiled under subsection (5) is subject to disclosure
5 under the freedom of information act, 1976 PA 442, MCL 15.231 to
6 15.246.

7 (5) The department of state police shall file an annual report
8 with the secretary of the senate and the clerk of the house of
9 representatives setting forth all of the following information for
10 each county concealed weapon licensing board:

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

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

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

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

15 (e) The number of concealed pistol licenses revoked.

16 (f) Categories for revocation under subdivision (e).

17 (g) The number of applications pending at the time the report
18 is made.

19 (h) The mean and median amount of time and the longest and
20 shortest amount of time used by the federal bureau of investigation
21 to supply the fingerprint comparison report required in section
22 ~~5b(11)~~. **5B(10)**. The department may use a statistically significant
23 sample to comply with this subdivision.

24 (i) The number of charges of state civil infractions of this
25 act or charges of criminal violations, categorized by offense,
26 filed against individuals licensed to carry a concealed pistol that
27 resulted in a finding of responsibility or a criminal conviction.



1 The report shall indicate the number of crimes in each category of
2 criminal offense that involved the brandishing or use of a pistol,
3 the number that involved the carrying of a pistol by the license
4 holder during the commission of the crime, and the number in which
5 no pistol was carried by the license holder during the commission
6 of the crime.

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

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

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

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

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

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

20 Sec. 5k. (1) Acceptance of a license issued under this act to
21 carry a concealed pistol constitutes implied consent to submit to a
22 chemical analysis under this section. This section also applies to
23 individuals listed in section 12a(a) to ~~(f)~~-(H).

24 (2) An individual shall not carry a concealed pistol while he
25 or she is under the influence of alcoholic liquor or a controlled
26 substance or while having a bodily alcohol content prohibited under
27 this section. A person who violates this section is responsible for



1 a state civil infraction or guilty of a crime as follows:

2 (a) If the person was under the influence of alcoholic liquor
3 or a controlled substance or a combination of alcoholic liquor and
4 a controlled substance, or had a bodily alcohol content of .10 or
5 more grams per 100 milliliters of blood, per 210 liters of breath,
6 or per 67 milliliters of urine, the individual is guilty of a
7 misdemeanor punishable by imprisonment for not more than 93 days or
8 \$100.00, or both. The court shall order the concealed weapon
9 licensing board that issued the individual a license to carry a
10 concealed pistol to permanently revoke the license. ~~The~~**THAT**
11 concealed weapon licensing board shall permanently revoke the
12 license as ordered by the court.

13 (b) If the person had a bodily alcohol content of .08 or more
14 but less than .10 grams per 100 milliliters of blood, per 210
15 liters of breath, or per 67 milliliters of urine, the individual is
16 guilty of a misdemeanor punishable by imprisonment for not more
17 than 93 days or \$100.00, or both. The court may order the concealed
18 weapon licensing board that issued the individual a license to
19 carry a concealed pistol to revoke the license for not more than 3
20 years. ~~The~~**THAT** concealed weapon licensing board shall revoke the
21 license as ordered by the court.

22 (c) If the person had a bodily alcohol content of .02 or more
23 but less than .08 grams per 100 milliliters of blood, per 210
24 liters of breath, or per 67 milliliters of urine, the individual is
25 responsible for a state civil infraction and may be fined not more
26 than \$100.00. The court may order the concealed weapon licensing
27 board that issued the individual the license to revoke the license



1 for 1 year. ~~The~~ **THAT** concealed weapon licensing board shall revoke
2 the license as ordered by the court. The court shall notify the
3 concealed weapon licensing board that issued the individual a
4 license to carry a concealed pistol if an individual is found
5 responsible for a subsequent violation of this subdivision.

6 (3) This section does not prohibit an individual licensed
7 under this act to carry a concealed pistol who has any bodily
8 alcohol content from transporting that pistol in the locked trunk
9 of his or her motor vehicle or another motor vehicle in which he or
10 she is a passenger or, if the vehicle does not have a trunk, from
11 transporting that pistol unloaded in a locked compartment or
12 container that is separated from the ammunition for that pistol or
13 on a vessel if the pistol is transported unloaded in a locked
14 compartment or container that is separated from the ammunition for
15 that pistol.

16 (4) A peace officer who has probable cause to believe an
17 individual is carrying a concealed pistol in violation of this
18 section may require the individual to submit to a chemical analysis
19 of his or her breath, blood, or urine.

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

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

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



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

3 (b) If the individual submits to the chemical analysis, he or
4 she may obtain a chemical analysis described in subsection (4) from
5 a person of his or her own choosing.

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

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

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

21 (9) As used in this section:

22 (a) "Alcoholic liquor" means that term as defined in section
23 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
24 436.1105.

25 (b) "Controlled substance" means that term as defined in
26 section 7104 of the public health code, 1978 PA 368, MCL
27 ~~333.7401~~.**333.7104.**



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

3 (2) A license to carry a concealed pistol issued or renewed on
4 or after July 1, 2006 is valid until the applicant's date of birth
5 that falls not less than 4 years or more than 5 years after the
6 license is issued or renewed, as applicable.

7 **(3) AN APPLICATION FOR A RENEWAL LICENSE MAY BE SUBMITTED TO**
8 **THE CONCEALED WEAPON LICENSING BOARD IN ANY COUNTY.** Except as
9 provided in subsections ~~(7)-(8)~~ and ~~(8), a (9)~~, **THE** renewal ~~of a~~
10 license ~~under section 5b~~ shall ~~, except as provided in this~~
11 ~~section,~~ be issued in the same manner as an original license issued
12 under section 5b.

13 **(4)** ~~(3)~~ The concealed weapon licensing board shall issue or
14 deny issuance of a renewal license within 60 days after the
15 application for renewal is properly submitted. The county clerk
16 shall issue the applicant a receipt for his or her renewal
17 application at the time the application is submitted. The receipt
18 shall contain all of the following:

19 (a) The name of the applicant.

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

21 (c) The amount paid.

22 (d) A statement that the receipt is for a license renewal.

23 (e) A statement of whether the applicant qualifies for an
24 extension under subsection ~~(4)-(5)~~.

25 (f) The name of the county in which the receipt is issued.

26 (g) An impression of the county seal.

27 **(5)** ~~(4)~~ If the concealed weapon licensing board fails to deny



1 or issue a renewal license to the person within 60 days as required
2 under subsection ~~(3)~~, ~~(4)~~, the expiration date of the current
3 license is extended by 180 days or until the renewal license is
4 issued, whichever occurs first. This subsection does not apply
5 unless the person pays the renewal fee at the time the renewal
6 application is submitted and the person has submitted a receipt
7 from a police agency that confirms that a background check has been
8 requested by the applicant.

9 (6) ~~(5)~~—A person carrying a concealed pistol after the
10 expiration date of his or her license pursuant to an extension
11 under subsection ~~(4)~~—~~(5)~~ shall keep the receipt issued by the
12 county clerk under subsection ~~(3)~~—~~(4)~~ and his or her expired
13 license in his or her possession at all times that he or she is
14 carrying the pistol. For the purposes of this act, the receipt is
15 considered to be part of the license to carry a concealed pistol
16 until a renewal license is issued or denied. Failing to have the
17 receipt and expired license in possession while carrying a
18 concealed pistol or failing to display the receipt to a peace
19 officer upon request is a violation of this act.

20 (7) ~~(6)~~—The educational requirements under section 5b(7)(c)
21 are waived for an applicant who is a retired police officer or
22 retired law enforcement officer.

23 (8) ~~(7)~~—The educational requirements under section 5b(7)(c)
24 for an applicant who is applying for a renewal of a license under
25 this act are waived except that the applicant shall certify that he
26 or she has completed at least 3 hours' review of the training
27 described under section 5b(7)(c) and has had at least 1 hour of

1 firing range time in the 6 months immediately preceding the
2 subsequent application.

3 (9) ~~(8)~~—Beginning January 1, 2007, an applicant who is
4 applying for a renewal of a license issued under section 5b is not
5 required to have fingerprints taken again under section 5b(9) if
6 all of the following conditions have been met:

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

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

15 Enacting section 1. This amendatory act takes effect October
16 1, 2012.