

HOUSE BILL No. 5973

March 18, 2010, Introduced by Reps. Sheltroun, Meltzer, Walsh, Haveman, Proos, Kurtz, Elsenheimer, Lori, Moss, Denby, Lund, DeShazor, Knollenberg, Daley, Lahti, Haase, Pavlov, Pearce and Marleau and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

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 5l, 9a, 9b, and 9c (MCL 28.425l, 28.429a, 28.429b, and 28.429c), sections 5l, 9a, and 9b as amended by 2008 PA 406, and section 9c as added by 1990 PA 320; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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~~ **AN INITIAL** license to carry a concealed pistol, ~~issued~~

1 ~~or renewed on or after July 1, 2006~~ **OTHER THAN A LICENSE DESCRIBED**
2 **IN SUBSECTION (1)**, is valid until the applicant's date of birth
3 that falls not less than 4 years or more than 5 years after the
4 license is issued. ~~or renewed, as applicable. Except as provided in~~
5 ~~subsections (7) and (8), a renewal of a license under section 5b~~
6 ~~shall, except as provided in this section, be issued in the same~~
7 ~~manner as an original license issued under section 5b.~~

8 (3) **SUBJECT TO SUBSECTIONS (8) AND (9), AN APPLICATION TO**
9 **RENEW A LICENSE TO CARRY A CONCEALED PISTOL MAY BE SUBMITTED NOT**
10 **MORE THAN 6 MONTHS BEFORE THE EXPIRATION OF THE CURRENT LICENSE. IF**
11 **THE CONCEALED WEAPON LICENSING BOARD APPROVES THE RENEWAL, THE DATE**
12 **OF ISSUANCE OF THE RENEWAL LICENSE IS THE DATE OF EXPIRATION OF THE**
13 **CURRENT LICENSE OR THE DATE OF APPROVAL OF THE RENEWAL, WHICHEVER**
14 **IS LATER, AND THE DATE OF EXPIRATION IS THE APPLICANT'S DATE OF**
15 **BIRTH WHICH IS NOT LESS THAN 4 YEARS NOR MORE THAN 4 YEARS FROM THE**
16 **DATE OF ISSUANCE.**

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

- 23 (a) The name of the applicant.
24 (b) The date and time the receipt is issued.
25 (c) The amount paid.
26 (d) A statement that the receipt is for a license renewal.
27 (e) A statement of whether the applicant qualifies for an

1 extension under subsection ~~(4)~~-(5).

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

3 (g) An impression of the county seal.

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

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

24 (7) ~~(6)~~—The educational requirements under section 5b(7)(c)
25 are waived for an applicant who is a retired police officer or
26 retired law enforcement officer.

27 (8) ~~(7)~~—The educational requirements under section 5b(7)(c)

1 for an applicant who is applying for a renewal of a license under
 2 this act are waived except that the applicant shall certify that he
 3 or she has completed at least 3 hours' review of the training
 4 described under section 5b(7)(c) and has had at least 1 hour of
 5 firing range time in the 6 months immediately preceding the
 6 subsequent application.

7 (9) ~~(8)~~ Beginning January 1, 2007, an applicant who is
 8 applying for a renewal of a license issued under section 5b is not
 9 required to have fingerprints taken again under section 5b(9) if
 10 all of the following conditions have been met:

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

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

19 Sec. 9a. The department of state police shall ~~do all of the~~
 20 ~~following:~~

21 ~~— (a) Approve~~ **APPROVE** a pamphlet on basic pistol safety for
 22 distribution to entities authorized to ~~issue licenses~~ **REGISTER**
 23 **PISTOLS** under section 2.

24 ~~— (b) Approve basic pistol safety questionnaires for~~
 25 ~~distribution to entities authorized to issue licenses under section~~
 26 ~~2. The department of state police shall approve a questionnaire~~
 27 ~~under this subdivision only if both of the following circumstances~~

1 exist.

2 ~~—— (i) The questionnaire only addresses material covered in the~~
3 ~~pamphlet approved under subdivision (a).~~

4 ~~—— (ii) The questionnaire reasonably examines the knowledge of~~
5 ~~pistol safety of individuals who are required to answer~~
6 ~~questionnaires.~~

7 Sec. 9b. The department of state police shall print the basic
8 ~~pistol safety pamphlet and basic pistol safety questionnaires~~
9 ~~approved by the department of state police ,—and shall distribute~~
10 ~~the pamphlet and the questionnaires free of charge to entities~~
11 ~~authorized to issue licenses—REGISTER PISTOLS~~ under section 2.

12 Sec. 9c. Entities authorized to ~~issue licenses—REGISTER~~
13 **PISTOLS** under section 2 shall distribute a basic pistol safety
14 pamphlet received by that entity from the department of state
15 police free of charge to each person who requests a copy of the
16 pamphlet.

17 Enacting section 1. Section 2a of 1927 PA 372, MCL 28.422a, is
18 repealed.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 5972 (request no.
21 04819'09 *) of the 95th Legislature is enacted into law.