

MAJOR CHANGES TO MICHIGAN CONCEALED CARRY IN 2015

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Various public acts of 2015 effectuated a major revision of Michigan's concealed carry statute. Most the changes are effective December 1, 2015, and they primarily modify the "behind-the-scenes" procedure for government processing of a concealed pistol license application, although significant substantive changes were made in certain concealed carry provisions, as outlined below. It is important for instructors, applicants and licensees to become familiar with these changes, because each of these groups is affected to one degree or another by these modifications to the law.

The biggest change concerns the county concealed weapon licensing boards. Effective December 1, 2015, all county concealed weapon licensing boards were eliminated. The Michigan State Police are now tasked with determination of applicant eligibility for concealed carry and the county clerks are directly responsible for issuing and administrating licenses.

The cost of applying is now \$100.00. The cost of renewal is \$115.00.

Below is a list of the most relevant changes to Michigan's concealed carry statute. This is not an exhaustive list of all changes, and if you have specific questions about how the amended law affects you, it is advised that you review the law and / or consult with an attorney.

MISCELLANEOUS PROVISIONS

Any application for restoration of firearms rights pursuant to MCL 750.224f now goes to the circuit court in the county where you reside.

The Michigan State Police shall provide an electronic format (typically CD-ROM) compilation of firearms laws and forms for appeal of license denial, and county clerks shall distribute these to applicants.

Only one submitted application for a concealed pistol license may be made per year.

If the Secretary of State maintains a digitized photograph of applicant (from driver's license records), no photograph need be submitted with application but if the Secretary of State has no digitized photo of applicant, then a passport quality photo must be submitted. By 2018, the Michigan State Police shall directly provide for renewal of a concealed pistol license by mail or online.

PROHIBITED PREMISES

There are no significant changes to prohibited premises for concealed carry or to penalties for illegal carry in those prohibited areas.

RENEWAL

The county clerk must now notify a licensee when their concealed pistol license is getting close to expiration, no more than 6 months and no less than 3 months before expiration. Renewal is allowable if the license is not expired or for one year after expiration of the license. If an individual applies for renewal prior to expiration, the expiration date is extended until renewal or disqualification. A renewal applicant must still certify they've had 3 hours of review time and 1 hour of range time within the preceding six months.

EMERGENCY LICENSES

The County Clerk *shall* issue emergency concealed carry licenses to applicants issued a personal protection order or if the county sheriff determines by clear and convincing evidence the safety of an applicant or applicant's family is endangered by inability to acquire immediate licensure. Clear and convincing evidence includes an application for a personal protection order not yet issued, other records or video / audio evidence etc. An applicant for an emergency license must be eligible for a license pursuant to a criminal background check. A licensee issued an emergency license must complete a training course within 10 business days of applying for the emergency license and must also apply for a regular license within 10 days. The emergency license is valid for 45 days. The clerk may provide exemption from premises restrictions if acceptable proof is provided of qualification for the exemption. No more than one emergency license may be granted every 5 years. Residency requirement of 6 months may be waived for emergency license.

INTERESTING ADDITIONAL CHANGES / CLARIFICATIONS

Before amendment, a CPL license could not issue to someone who was the subject of a personal protection order. Now, a license cannot issue to someone who is the subject of a personal protection order *if that order includes a restriction that the application is not allowed to purchase or possess a firearm*.

A license may not issue to an applicant with a diagnosis of a mental illness that *includes an assessment that the individual presents a danger to himself or herself or to another at the time the application is made*, regardless of whether he or she is receiving treatment for that illness. Prior to amendment, a mere diagnosis without a finding of danger to self or others was automatically disqualifying.

There are some relatively significant modifications to the list of temporarily disqualifying 8 year and 3 year misdemeanors. Please review the law or talk to an attorney if you have questions about these changes, which are too numerous to list here.

The "safety disqualification" has been eliminated. Prior to amendment, the county concealed weapon licensing boards had discretion to deny a license to an applicant if there was clear and convincing evidence the applicant was a danger to himself or to others (where the applicant would otherwise qualify). With the elimination of the concealed weapon licensing boards, this discretion has also been eliminated. Now, either an applicant qualifies or does not qualify pursuant to the criminal or mental health history of the applicant.

The county clerk gives an applicant a receipt upon application for a license. If a license or notice of statutory disqualification is not provided within 45 days of fingerprinting, the receipt itself shall serve as a concealed pistol license when carried with qualifying identification. This receipt is valid as a concealed pistol license until the formal license or a statutory disqualification is issued. The receipt is required to have this language on the receipt.

Any disqualification notification sent by the county clerk must include each statutory disqualification, the source of the record used and the contact information for the source of the record and the right of appeal.

TRAINING AND CERTIFICATES

Qualifying training must be no more than 5 years old (before amendment there was no limitation written into the law). Certificates must now have the name and telephone number of the instructor and the name and telephone number of the training organization (typically the NRA) and the instructor's certification number along with any expiration date of certification. The law no longer references "the 8 hour pistol safety course" so any course will qualify so long as it meets the requirements for the course, which remain unchanged. Training must still be at least 8 hours in length. An applicant can apply using any training certificate that does not meet the requirements of the law at the time of certification issuance if evidence is provided that demonstrates the certificate or training meets applicable requirements. The amendment still contains the requirement that the certificate of completion state "This course complies with section 5j of 1927 PA 372".

CONCEALED CARRY AND ALCOHOL

A blood alcohol level of .10 or higher alcohol shall equal revocation of the license. If the blood alcohol is .08 to less than .10 the court *shall* (not may) suspend the license for 3 years (before amendment the statute stated not more than 3 years). If the blood alcohol is .02 to less than .08 the court *shall* (not may) fine the licensee \$100 (before amendment the statute stated not more than \$100) and the court shall suspend the license for 1 year. The language in this section cleans up any confusion regarding use of the words revoke and suspend in the prior law.

A refusal to submit to a breath test *shall* (not may) result in suspension for 6 months (the statute used to state, without specification, "suspend or revoke"). In addition, *and this is a big change*, a refusal to take a breath test is a state civil infraction with a \$100 fine. Before amendment, a refusal just resulted in the loss of license privileges.