

## CONCEALED PISTOL LICENSE INFORMATION

The following is information required to be provided to an applicant for a concealed pistol license. The last page of this document is the application for a concealed pistol license. A complete copy of this law is available at your local library or on the Internet at: <http://www.michigan.gov/msp>. A copy of the firearms laws of this state shall be furnished upon filing an application.

### REQUIREMENTS TO OBTAIN A CONCEALED PISTOL LICENSE

1. 21 years of age or older
2. Citizen of the United States or a Resident Alien
3. Resident of Michigan for at least 6 months
4. Successful completion of a Pistol Safety Training Course
5. Not subject to an order or disposition for any of the following:
  - Mental health order
  - Legally incapacitated
  - Involuntary hospitalization
  - Found not guilty by reason of insanity
6. Not subject to a conditional bond release where firearm possession is prohibited
7. Not subject to a Personal Protection Order
8. Not prohibited by MCL 750.224f (felon in possession of a firearm)
9. Has never been convicted of a felony in Michigan or elsewhere
10. Has no felony charge pending in Michigan or elsewhere
11. Has not been dishonorably discharged from the United States Armed Forces
12. Has not been convicted of one of the following misdemeanors in the 8 years immediately preceding the date of application:
  - Failing to stop when involved in a personal injury accident (257.617a)*
  - Operating under the influence 2nd offense (257.625(1)(8)(b))*
  - Drunk driving, commercial vehicle (257.625m(4))*
  - Reckless driving (257.626)*
  - Driving while suspended or revoked (257.904(1)) (Second or subsequent offense)*
  - Operating aircraft with alcohol with prior conviction (259.185)*
  - Hindering or obstructing weights and measures enforcement officer (290.629)*
  - Hindering, obstructing, assaulting, or committing bodily injury upon director or authorized representative of the Motor Quality Fuels Act (290.650)*
  - Operating an ORV under the influence, second or subsequent offense (324.80134(5) or (6))*
  - Operating a snowmobile under the influence with prior conviction (324.82127)*
  - Operating a vessel under the influence, second or subsequent offense (324.80176)*
  - Possession of a controlled substance (333.7403)*
  - Operating a locomotive under the influence (462.353(4))*
  - Displaying sexually explicit materials to minors (722.677)*
  - Assault or domestic assault (750.81)*
  - Aggravated assault, or aggravated domestic assault (750.81a)*
  - Entering without breaking (750.115)*
  - 4th degree child abuse (750.136b)*
  - Accosting, enticing, or soliciting, a child for immoral purposes (750.145a)*
  - Vulnerable adult abuse (750.145n)*
  - Solicitation to commit a felony (750.157b)*
  - Impersonating a sheriff, conservation officer, coroner, constable, or police officer (750.215)*
  - Illegal sale of a firearm or ammunition (750.223)*
  - Illegal sale of a self-defense spray (750.224d)*
  - Sale or possession of a mechanical knife (750.226a)*
  - Improper transportation of a firearm (750.227c)*
  - Failure to have a pistol inspected (750.228)*
  - Accepting a pistol in pawn (750.229)*
  - Failure to register the purchase of a firearm or a firearm component (750.232)*
  - Improperly obtaining a pistol, making a false statement on an application to purchase a pistol, or using false identification to purchase a pistol (750.232a)*
  - Intentionally aiming a firearm aimed w/o malice (750.233)*
  - Intentionally discharging a firearm w/o malice (750.234)*
  - Possessing a firearm on prohibited premises (750.234d)*
  - Brandishing a firearm in public (750.234e)*
  - Possession of a firearm by a person less than 18 years of age (750.234f)*
  - Intentionally discharging a firearm aimed without malice causing injury (750.235)*
  - Parent of a minor who possessed a firearm in a weapon free school zone (750.235a)*
  - Setting a spring gun or other device (750.236)*
  - Possessing a firearm while under the influence of intoxicating liquor or drug (750.237)*

*Weapon free school zone violation (750.237a)*  
*Indecent exposure (750.335a)*  
*Stalking (750.411h)*  
*Reckless, careless, or negligent use of a firearm resulting in injury or death (752.861)*  
*Reckless, careless, or negligent use of a firearm resulting in property damage (752.862)*  
*Reckless discharge of a firearm (752.863a)*  
*Violation of a law of the United States, another state, or a local unit of government of this state or another state substantially corresponding to a violation described above*

13. Has not been convicted of one of the following misdemeanors in the 3 years immediately preceding the date of application:
- Operating under the influence (257.625)*
  - Refusal of commercial vehicle driver to submit to a chemical test (257.625a)*
  - Negligently fails to comply- Ignition interlock device (257.625k)*
  - Circumventing an ignition interlocking device (257.625l)*
  - Operating a commercial vehicle with alcohol content (257.625m)*
  - Operating aircraft under the influence (259.185)*
  - Operating an ORV under the influence (324.81134)*
  - Operating an ORV having consumed a controlled substance (324.81135)*
  - Operating a snowmobile under the influence (324.82127)*
  - Controlled Substances (333.7401 – 333.7461)*
  - Operating a locomotive under the influence (462.353)*
  - Disorderly person (750.167)*
  - Embezzlement (750.174)*
  - False pretenses (750.218)*
  - Larceny (750.356)*
  - Retail Fraud (750.356d)*
  - Larceny from a vacant building (750.359)*
  - Larceny by conversion (750.362)*
  - Defrauding lessor (750.362a)*
  - Malicious destruction of property (750.377a)*
  - Malicious destruction of real property (750.380)*
  - Failure to obey police direction (750.479a)*
  - Receiving stolen property (750.535)*
  - Malicious use of telephones (750.540e)*
  - Violation of a law of the United States, another state, or a local unit of government of this state or another state substantially corresponding to a violation described above*
14. The applicant has not been found guilty but mentally ill of any crime and has not offered a plea of not guilty of, or been acquitted of, any crime by reason of insanity.
15. The applicant has never been subject to an order of involuntary commitment due to a mental illness.
16. The applicant does not have a diagnosed mental illness at the time the application is made regardless of whether he or she is receiving treatment.
17. The applicant is not under a court order of legal incapacity in this state or elsewhere.

### **APPLICATION PROCESS**

1. Applicant must file his/her application with the county clerk in the county in which the individual resides. This must include:
  - A. A copy of the certificate of completion of the pistol safety training course, or for a renewal of a license issued after July 1, 2001, the applicant must sign a statement certifying that he or she has completed at least 3 hours of review of the required training and have had at least 1 hour of firing range time in the last 6 months preceding this application.
  - B. A passport quality photograph.
  - C. Applicant pays applicable fees. For all applications there is a \$105 fee payable to the county clerk. The county clerk will provide a receipt for payment of fees.
2. The applicant shall bring this receipt along with the fingerprint card provided in this kit to the sheriff's department for fingerprinting. An applicant may have his or her fingerprints taken at a local agency; however, additional charges may be assessed by the local agency.
3. The county sheriff or local law enforcement agency will fingerprint the applicant and forward the fingerprints to the Michigan State Police for processing.

\*Passport Photo standards: Taken alone, sufficiently recent to be a good likeness (normally taken within the last 6 months), with an image size from bottom of chin to top of head (including hair) of between 1 and 1 3/8 inches. Photo must be clear, front view, full face, taken in normal street attire without a hat or dark glasses with a white or off-white background. They must be capable of withstanding a mounting temperature of 225° Fahrenheit (107° Celsius). Snapshots, most vending machine prints, and magazine or full-length photographs are unacceptable.

4. Once the county gun board receives the fingerprint comparison report, they will issue or deny the license within 45 days. Please note, however, that the entire application process may take several months.
5. The county clerk may require that all licenses must be signed in the presence of the county clerk prior to receiving the license.

### **PISTOL SAFETY TRAINING COURSE**

Those required to take the Pistol Safety training course include:

1. All new applicants.
2. Those who have a concealed pistol license (general or restricted) prior to July 1, 2001, and are renewing for the first time under the new statute.

The educational requirements are waived for an applicant who is a retired police officer or a retired law enforcement officer. The county gun board may require a letter from the employer that the applicant retired from his or her employment in good standing as a peace officer or law enforcement officer.

The training required under this Act must be a program certified by this state or a national or state firearms training organization and provides instruction in at least all of the following:

- The safe storage, use, and handling of a pistol.
- Ammunition knowledge and the fundamentals of pistol shooting.
- Pistol shooting positions.
- Firearms and the law, including civil liability issues and the use of deadly force.
- Avoiding criminal attack and controlling a violent confrontation.
- All laws that apply to carrying a concealed pistol in this state.
- At least 5 hours of instruction, and 3 hours of range time which requires firing at least 30 rounds of ammunition.

The instructor must be certified by this state or a national organization and trained in the use of deadly force. The instructor must provide a signed certificate to the applicant attesting that the above topics were covered and the applicant successfully completed the course.

The following organizations are currently offering Certified Pistol Safety Training courses:

- Michigan Commission on Law Enforcement Standards (MCOLES)  
[www.mcoles.org](http://www.mcoles.org) or (517) 322-6525
- National Rifle Association (NRA)  
[www.nrahq.org/safety/education](http://www.nrahq.org/safety/education) or (703) 267-1430
- Michigan Coalition for Responsible Gun Owners (MCRGO)  
[www.mcrgo.org](http://www.mcrgo.org) or (517) 484-2746

This list is not an all-inclusive list of certified instructors or facilities. An applicant may wish to contact his or her county gun board to inquire about other certified instructors or sites.

The county gun board may wish to confirm the validity of a certificate of completion by confirming the instructor's certification with the organization that provided certification.

A person who either, grants a certificate of completion to an individual knowing the individual did not satisfactorily complete the course, or presents a certificate of completion to a gun board knowing the individual did not satisfactorily complete the course, is guilty of a felony punishable by 4 years in prison and/or a \$2,500 fine.

### **CONCEALED PISTOL LICENSE RENEWAL INFORMATION**

1. A license to carry a concealed pistol issued on or after July 1, 2003, is valid for five (5) years.
2. A license to carry a concealed pistol issued prior to July 1, 2003, is valid for three (3) years.
3. An application is considered a renewal if the applicant has received a concealed pistol license under compliance of the training requirements set forth in the Act after July 1, 2001. A concealed pistol license is renewed in the same manner as the original license, including fingerprints (see Application Information).
4. An individual must complete a pistol safety training course if renewing a license, for the first time, that was issued prior to July 1, 2001.
5. For an individual licensed after July 1, 2001, and subsequently applying for a renewal, completion of a pistol safety training course is not required. However, the applicant shall sign a statement certifying that he/she has completed at least three (3) hours of review of the pistol safety training course and has had at least 1 hour of firing range time in the 6 months immediately preceding the renewal application. Exception: The training requirements are waived for an individual who is a

- retired police officer or retired law enforcement officer. The county gun board may require a letter stating that the officer retired in good standing.
6. If there is a lapse between the previous license and the issuance of a new license, the individual has no right to carry a concealed pistol during that time lapse.
  7. An individual licensed to carry a concealed pistol may carry the concealed pistol under that license until the license expires or the individual's authority to carry the concealed pistol is otherwise terminated, whichever comes first.

### **CONCEALED WEAPON LICENSING BOARD**

Each county shall have a gun board consisting of the sheriff or his/her designee, the director of the state police or his/her designee, and the prosecuting attorney or his/her designee. The prosecutor may opt out, and the county board of commissioners will appoint a replacement. The replacement must be a certified firearm instructor. Certification must be by a state or national firearms program.

The board shall either issue or deny the license within 45 days after the board receives the fingerprint comparison report.

The board shall not issue a license if they determine that issuing the license would be detrimental to the safety of the applicant or any other individual. This determination shall be based on clear and convincing evidence of civil infractions, crimes, personal protection order(s) or injunctions, police reports or other evidence, or the applicant's statements that bear directly on the applicant's ability to carry a concealed pistol.

### **TEMPORARY LICENSES**

There are two instances where a concealed weapon licensing board may issue a temporary license:

1. If the board determines that there is probable cause to believe the safety of the applicant or a member of their family is endangered by the inability to immediately get a license to carry a pistol, a temporary license may be issued, valid for up to 180 days. This temporary license may be renewed for one additional 180-day period. For new residents, the concealed weapon licensing board may waive the 6-month residency requirement.
2. If the fingerprint report is not received by the board within 60 days from the time the state police received the report from the FBI, the board shall issue a temporary license if the applicant is otherwise qualified for a license. The license is valid for 180 days or until the report is received, and a license is either issued or denied. Upon issuance or denial of the license to carry a concealed pistol, the applicant shall immediately surrender the temporary license to the concealed weapon licensing board that issued the temporary license.

### **DENIALS**

If the concealed weapon licensing board denies issuance of a license, the board must inform the applicant within 5 business days, in writing, the reasons for the denial, along with a statement of the specific facts and copies of documentary evidence upon which the denial is based. The applicant must also be informed of his or her right to appeal the denial to the circuit court in the judicial circuit in which he or she resides.

### **APPEALS**

If the concealed weapon licensing board denies issuance of a license to carry a concealed pistol, or fails to issue that license as provided for in the Act, the applicant may appeal the denial or the failure to issue the license to the circuit court in the judicial circuit in which he or she resides. The appeal of the denial or failure to issue a license shall be determined by a review of the record for error. There may be a hearing if the decision of the concealed weapon license board was based on the grounds that issuing a license to the applicant is detrimental to the safety of the applicant or to any other individual. Witnesses in the hearing shall be sworn. A jury shall not be provided.

If the circuit court determines that the denial or failure to issue a license was clearly erroneous, the court shall order the concealed weapon licensing board to issue a license as required by this act.

If the court determines that the decision of the concealed weapon licensing board to deny issuance of a license to an applicant was arbitrary and capricious, the court shall order this state to pay 1/3 and the county in which the concealed weapon licensing board is located to pay 2/3 of the actual costs and actual attorney fees of the applicant in appealing the denial.

If the court determines that an applicant's appeal was frivolous, the court shall order the applicant to pay the actual costs and actual attorney fees of the concealed weapon licensing board in responding to the appeal.

## **PURCHASING A PISTOL**

A person who is issued a concealed pistol license after July 1, 2001, is not required to obtain a license to purchase prior to purchasing a pistol. However, the purchaser is required to present the pistol to their local law enforcement agency to have the pistol inspected. The law enforcement agency is required to register the pistol with the Michigan State Police.

In addition, if the purchaser has a concealed pistol license in lieu of a purchase permit, the seller must complete a pistol sales record. These forms are available at local police or sheriff departments, or from the Michigan State Police web site at <http://www.michigan.gov/msp>. The seller keeps one copy of the form, the purchaser keeps one copy, and a third copy is sent to Michigan State Police, Firearms Records Unit, 7150 Harris Drive, Lansing, MI 48913.

## **REPSONSIBILITIES WHILE CARRYING**

A concealed pistol licensee, who is carrying a pistol concealed, must:

- Have his/her concealed pistol license in possession at all times.
- Immediately disclose to a peace officer, if stopped, that he or she is carrying a concealed pistol.
- Display his/her concealed pistol license to a peace officer upon request.
- Display his/her driver license or Michigan personal identification card upon request.
- A concealed pistol license holder shall not carry a concealed pistol while under the influence of alcohol or a controlled substance or while having an unlawful bodily alcohol content. However, a licensee who has consumed alcohol can legally transport a pistol if the pistol is in a locked trunk or locked compartment or container that is separated from the ammunition for that pistol.

For more information on encounters with police, please refer to the MSP web site at <http://www.michigan.gov/msp>

## **PISTOL-FREE ZONES**

All concealed pistol licenses issued after July 1, 2001, are unrestricted. However, licensees are prohibited from carrying a pistol in the following places:

- A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property while dropping off or picking up a student.
- A private or public childcare center or day care center, child caring institution or child placing agency.
- A sports arena or stadium.
- A tavern where the primary source of income is the sale of alcoholic liquor by the glass consumed on the premises.
- Any property or facility owned or operated by a church, synagogue, mosque, temple or other place of worship, unless the presiding officials permit the carrying on the property.
- An entertainment facility, with a seating capacity of 2,500 or more individuals, that the individual knows or should know has a seating capacity of 2,500 or more or that has a sign above each public entrance stating that the seating is 2,500 or more.
- A hospital.
- A dorm or classroom of a college or university.

- Premises does not include parking areas of the above places.

- A pistol also cannot be carried in violation of the Gaming Control and Revenue Act.

Pistol free zones do not apply to any of the following:

- A licensee who is a retired police officer or retired law enforcement officer. The concealed weapon licensing board may require a letter from the law enforcement agency stating that the retired police officer or law enforcement officer retired in good standing.
- An individual who is licensed as a private investigator or private detective under the private detective license Act, 1965 PA 285, MCL 338.821 to 338.851.