

How the New CCW Law Works

Michigan's new carry-concealed weapons (CCW) law took effect July 1, but confusion has surrounded the application process and other aspects of the statute.

Here, with information provided by the Michigan State Police, is a summary of procedures and requirements for obtaining a CCW permit and special considerations for permit-holders.

HOW TO APPLY

Concealed pistol application kits are provided during normal business hours by county sheriffs, local police agencies, and county clerks. The free kits include:

- An application form.
- Written procedure to obtain a concealed pistol permit.
- Written procedure to appeal (and the appeal process form to use if denied a permit).
- A fingerprint card (fingerprints taken by local sheriff's department).
- Reference numbers for organizations providing certified pistol safety training.

The application is filed with the county clerk in the county in which the individual resides. This form must be accompanied by: (1) a copy of the certificate of completion of a pistol safety training course and (2) a passport-quality photograph. The applicant pays a \$60 fee to the county clerk at the time of filing (\$35 for a renewal).

The applicant receives a receipt to provide to the sheriff department at the time fingerprints are taken. (The sheriff department may charge up to \$15 to take the fingerprints.) The sheriff department forwards the prints to the Michigan State Police for processing. Once a county gun board receives a report on the results of the fingerprint comparison, the board has 30 days to issue or deny a permit.

BASIC REQUIREMENTS

To obtain a concealed pistol permit, the applicant must be at least 21 years of age, a U.S. citizen or resident alien, and a resident of Michigan for at least the past six months.

The applicant also must not be subject to a personal protection, mental health, or similar court order; must have no felony convictions or pending felony charges; must not have been dishonorably discharged from the U.S. Armed Forces; and must not have been convicted of any misdemeanor for the previous three years or of certain serious misdemeanors for the previous eight years.

Serious misdemeanors covered include domestic assault, stalking, reckless driving, second-offense drunken driving, possession of a controlled substance, improper transportation of a firearm, brandishing a firearm in public, being the parent of a minor who possessed a firearm in a weapon-free school zone, and numerous

other offenses.

Applicants must never have been subject to an order of involuntary commitment due to a mental illness and must not have a diagnosed mental illness at the time they apply regardless of whether they're receiving treatment.

TRAINING COURSE

The applicant also must successfully complete a pistol safety training course whose subject matter includes safe storage, use and handling of a pistol, use and handling to protect children, ammunition knowledge, pistol shooting fundamentals and positions, how to avoid attack and control violent confrontations, civil liability, and firearms law and all laws that apply to carrying a concealed weapon in Michigan.

The instruction has to be for at least eight hours and include three hours of firing range time. The training program and instructors must be certified by the Michigan Commission on Law Enforcement Standards or a national or state firearms training organization such as the National Rifle Association.

PISTOL-FREE AREAS

Individuals permitted by Michigan or another state to carry a concealed pistol are prohibited from doing so in a school or on school property (but parents or legal guardians may carry while in a vehicle on school property to drop off or pick up a child); public or private day care centers; courtrooms; hospitals; casinos; sports arenas or stadiums; dining rooms, lounges, or bars of premises licensed under the Liquor Control Code (does not apply to owners or employees); places of worship unless the presiding official allows concealed weapons; entertainment facilities with seating capacity of 2,500 or more; and dormitories or classrooms of colleges and universities.

Penalties for violation are severe, ranging from \$500 fine and six-month suspension of the permit for a first offense to four years in prison, \$5,000 fine, and revocation of the permit for a third offense.

ENCOUNTERS WITH POLICE

Anyone permitted to carry a concealed pistol who is stopped by a police officer (traffic stop or otherwise) must immediately disclose to the officer that he or she is carrying a concealed pistol or has one in the motor vehicle. Penalties for failing to disclose include fines of \$500 to \$1,000 and suspension or revocation of the permit. Individuals must have their permit in their possession at all times when carrying.

To ensure safety if stopped by a law enforcement officer, the carrier of a concealed pistol should:

- Keep hands where an officer can see them.
- Cooperate fully with the police officer.

- Disclose, as soon as possible, that a gun is present.
- Make no quick movements, especially toward the weapon.
- Turn on the vehicle's dome light at night.

In certain circumstances, a law enforcement officer may take temporary possession of the weapon during a stop to ensure the safety of the officer and others. The officer will return the pistol at the end of the stop unless the individual is being charged with a violation of the CCW act or any other law that allows for the weapon to be seized.

PERMIT RENEWAL

A concealed pistol permit is valid for three years. An application is considered a renewal if it is dated on or before the expiration date of the previous permit. A CCW permit is renewed in the same manner as the original permit, including fingerprinting.

All Hunting Rules Apply Regardless

Michigan's new concealed weapons law doesn't exempt permit-holders from complying with hunting and state land-use regulations, the Department of Natural Resources reminds hunters.

It is illegal to carry any firearm while hunting for deer during an archery season except when a special antlerless firearm season runs concurrently, the DNR Law Enforcement Division says.

And it is illegal for a hunter, including a CCW permit-holder, to carry a centerfire handgun during the November 15-30 firearm deer season unless he or she possesses an unused deer kill tag issued in the hunter's name.

The restrictions don't end there, however, and the DNR says concealed weapons permit-holders need to be aware that:

- If the firearm is to be used to take or attempt to take wild animals, an appropriate hunting license is required and all of the normal rules apply, including hunting hours, safety zones, and blaze orange clothing.
- It is illegal to hunt from a vehicle regardless of CCW possession. An exception would be a disabled person with a special permit to hunt from a standing vehicle.
- DNR land-use orders that may prohibit the discharge of firearms or target shooting on posted state lands apply regardless of any CCW permit, except for areas open to hunting during established seasons and at designated shooting ranges; it is illegal to possess a loaded firearm in any state park or recreation area.