

HOUSE BILL NO. 5113

October 22, 2025, Introduced by Rep. Outman and referred to Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 section 5d (MCL 28.425d), as amended by 2015 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5d. (1) If the county clerk issues a notice of statutory
2 disqualification because of an error on the application by the
3 applicant, the applicant may submit a new application under section
4 5b or 5/ with the corrected information within 21 business days
5 after receiving the notice of statutory disqualification without
6 paying an additional fee. If an applicant determines that the
7 applicant made an error on the application before receiving a
8 notice of statutory disqualification from a county clerk, the
9 applicant may submit an updated application within 21 business days
10 after submitting the original application under section 5b or 5/
11 without paying an additional fee. If a county clerk issues a notice
12 of statutory disqualification because of an error by an individual
13 other than the applicant, the applicant may submit a new
14 application under section 5b or 5/ at any time without paying an
15 additional fee if the applicant submits supporting documents that
16 correct the error.

17 (2) ~~(1)~~ If the county clerk issues a notice of statutory
18 disqualification, fails to provide a receipt that complies with
19 section 5b(1) or 5/(3), or fails to issue a license to carry a
20 concealed pistol as provided in this act, the department of state
21 police fails to provide a receipt that complies with section 5/(3),
22 or the county clerk, department of state police, county sheriff,
23 local police agency, or other entity fails to provide a receipt
24 that complies with section 5b(9), the applicant may appeal the
25 notice of statutory disqualification, the failure to provide a
26 receipt, or the failure to issue the license to the circuit court

1 in the judicial circuit in which ~~he or she~~ **the applicant** resides.
2 The appeal of the notice of statutory disqualification, failure to
3 provide a receipt, or failure to issue a license ~~shall~~ **must** be
4 determined by a review of the record for error.

5 (3) ~~(2)~~ If the court determines that the notice of statutory
6 disqualification, failure to provide a receipt that complies with
7 section 5b(1) or (9) or 5l(3), or failure to issue a license was
8 clearly erroneous or was arbitrary and capricious, the court shall
9 order the county clerk to issue a license or receipt as required by
10 this act. For applications submitted after November 30, 2015, if
11 the court determines that the notice of statutory disqualification,
12 failure to provide a receipt that complies with section 5b(1) or
13 (9) or 5l(3), or failure to issue a license was clearly erroneous,
14 the court may order an entity to refund any filing fees the
15 applicant incurred in filing the appeal, according to the degree of
16 responsibility of that entity.

17 (4) ~~(3)~~ For applications submitted before December 1, 2015, if
18 the court determines that the decision of the concealed weapon
19 licensing board to deny issuance of a license to an applicant was
20 arbitrary and capricious, the court shall order this state to pay
21 1/3 and the county in which the concealed weapon licensing board is
22 located to pay 2/3 of the actual costs and actual attorney fees of
23 the applicant in appealing the denial. For applications submitted
24 on or after December 1, 2015, if the court under subsection ~~(2)~~ **(3)**
25 determines that the notice of statutory disqualification, failure
26 to provide a receipt that complies with section 5b(1) or (9) or
27 5l(3), or failure to issue a license to an applicant was arbitrary
28 and capricious, the court shall order the county clerk, the entity
29 taking the fingerprints, or ~~the~~ **this** state to pay the actual costs

1 and actual attorney fees of the applicant in appealing the notice
2 of statutory disqualification, failure to provide a receipt that
3 complies with section 5b(1) or (9) or 5l(3), or failure to issue a
4 license, according to the degree of responsibility of the county
5 clerk, the entity taking the fingerprints, or ~~the~~**this** state.

6 (5) ~~(4)~~—If the court determines that an applicant's appeal was
7 frivolous, the court shall order the applicant to pay the actual
8 costs and actual attorney fees of the county clerk, entity taking
9 the fingerprints, or ~~the~~**this** state in responding to the appeal.