

### **Pistol Free Zones** (does not include parking areas)

Concealed pistol license (CPL) holders shall not carry a concealed pistol into the following establishments:

- ◆ School property, except parent or legal guardian who is dropping off or picking up child and pistol is kept in the vehicle.
- ◆ Liquor serving establishment, where the primary source of income is the sale of liquor by the glass consumed on the premises, except owner or employee.
- ◆ Dormitory or classroom of a college – NO EXCEPTIONS.
- ◆ Entertainment facility with more than 2,500 seats; sports arena or stadium of any size – NO EXCEPTIONS.
- ◆ Church, synagogue, mosque, temple, or other place of worship, except if authorized by presiding official.
- ◆ Hospital, casino, child care or day care (public or private)–

#### **Violation for carrying in a Pistol Free Zone:**

- 1<sup>st</sup> Offense = State civil infraction – 28.425o(5)(a)
- 2<sup>nd</sup> Offense = 90 day misdemeanor – 28.425o(5)(b)
- 3<sup>rd</sup> Offense = 4 year felony – 28.425o(5)(c)

Note – The pistol free zones do not apply if the “Exempt from Pistol Free Zones” box is checked on the CPL license.

### **Carrying Concealed While Under the Influence**

◆ A peace officer with probable cause to believe the CPL holder is under the influence of alcohol or drugs or has any bodily alcohol content may request a test.

◆ Chemical testing and collection shall be done in the same manner as OWI violations.

◆ Arresting officer must immediately notify the gun board that issued the CPL, usually through the prosecutor’s office of that county, of any refusal to submit a chemical test or if results prove any bodily alcohol content – SEIZE THE PISTOL:

- .02 - .079 = state civil infraction – 28.425k(2)(c)
- .08 - .099 = 93 day misdemeanor – 28.425k(2)(b)
- .10 or more = 93 day misdemeanor – 28.425k(2)(a)

◆ A person in a vehicle, with bodily alcohol content, will not be in violation of the CPL Act if the pistol is:

- Locked in the trunk.
- If there is no trunk, then unloaded and locked in a container separate from the ammunition.

### **For additional copies mail or fax your request to:**

Michigan State Police                      Fax: (517) 322-5929

Firearm Records Unit

7150 Harris Drive

Lansing, MI 48913

Quantity: 25,000 – cost per unit . \$0.047 – Total Cost: \$

## Requirements when Stopped

- ◆ A Person must possess CPL when carrying a pistol concealed. **28.425f(1) – civil infraction**
- ◆ When stopped by police, a person with a CPL must immediately disclose that they are carrying a pistol concealed.
  - **1<sup>st</sup> Offense – state civil infraction – 28.425f(5)(a)**
  - **2<sup>nd</sup> Offense – state civil infraction – 28.425f(5)(b)**
- ◆ A person carrying a concealed pistol, must carry and display his or her CPL and valid Michigan driver license or Michigan ID upon request of a police officer. – **28.425f(2) – civil infraction**

## Notice of Suspension

- ◆ The gun board is authorized to suspend or revoke a CPL per MCL 28.428
- ◆ A law enforcement agency that receives notice of an order of a suspension or revocation of a CPL shall immediately enter the information into LEIN.
- ◆ If an officer is in contact with an individual who has not previously received notice of the suspension or revocation, the officer shall inform the individual of the order and give the individual an opportunity to properly store the pistol or to otherwise comply with the order before an arrest is made for carrying the pistol in violation.
- ◆ The law enforcement agency or officer shall enter into LEIN that notice was given.

## Seizing a Pistol

- ◆ A pistol carried in violation of the CPL Act is subject to seizure and forfeiture in the same manner that property is subject to seizure and forfeiture under the Revised Judicature Act.
- ◆ Exception – The officer should not seize the pistol for failing to carry the CPL if the person has a valid Michigan driver license or Michigan ID and the CPL is verified in LEIN.
  - Note: The officer may still issue the CPL holder a civil infraction for failure to carry their CPL.**
- ◆ If the officer cannot verify that a CPL has been issued, the pistol should be seized. The person has 45 days to produce a valid CPL, otherwise the pistol may be forfeited.