



MICHIGAN STATE POLICE LEGAL UPDATE

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This update is published by the Michigan State Police Executive Division. Questions and comments may be directed to MSPLegal@michigan.gov. Past editions can be found at www.michigan.gov/msp-legal.

FIREARMS LAW

Certificates for concealed carry by retired law enforcement officers

Effective: March 31, 2009

Public Act 537 of 2008 ([MCL 28.511 - 28.527](#)) created a mechanism by which the MCOLES may issue certificates to retired police officers so they may carry a concealed firearm anywhere in the United States pursuant to the [Law Enforcement Officers Safety Act of 2004](#) (LEOSA).

To be eligible for a certificate, a retired officer must submit an application and pass the current MCOLES approved firearms standard for active officers. For more information about the application process, visit the [MCOLES LEOSA website](#).

Highlights pertaining to the enforcement of the new Act include:

- Applicants must submit fingerprints and pass a background check as part of the application process. Falsifying an application is a 4-year felony.
- While carrying a concealed firearm, certificate holders must possess their certificate and driver's license or state-issued ID card, and present both upon demand by a police officer. When stopped by police, certificate holders must immediately notify the officer they are in possession of a firearm. Violations of these requirements are treated just as their parallel violations for CPL holders, including forfeiture of the firearm.
- Certificate holder information will be available through the LEIN.
- Certificate holders may not possess a firearm while under the influence of alcohol or drugs; the Act contains implied consent provisions identical to those applicable to CPL holders.

- Any firearm carried in violation of the Act is subject to forfeiture in the same manner as pistols carried in violation of CPL statutes.

Retired officers are not required to obtain a certificate from the MCOLES – they may still obtain a CPL and carry concealed pursuant to that license. Further, the LEOSA requirements may be met through certification by a retiree's former department in lieu of MCOLES certification.

[Public Act 537 of 2008](#)

In past editions of the *Update*, links to the text of public acts were provided at the end of the summary of an act. In this and future editions, the link will instead take you to the Legislature's webpage detailing the act.

These pages include links or files with lists of MCL sections added or amended by an act, the most recent version of the bill passed (before signed into law as a public act), and the final text of the act (what we used to link to). The most recent version passed is in "strike-bold" format indicating changes in statutes. In this format, plain text indicates unchanged wording, ~~stricken~~ text indicates wording removed, and **BOLD** text indicates wording added. Generally, the most recent version passed is identical to the public act, so by looking at the most recent version you can see exactly what was changed.

The two screenshots on the second page of this *Update* include the top and middle of the Legislature's site for an act, along with descriptions of where to find this information.

SUBSCRIPTIONS

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This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.

This link will show you a list of MCL sections added or changed by the public act.

Bill number before enacted and public act number with effective date.

Find this PA in the MCL

Opening one of these files will show you the final text of the public act.

The area just above the public act is the most recent version passed. Opening one of these files will generally show you the strike-bold version.