

STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

FIREARMS ACT: Exemptions for residents and
LICENSES AND PERMITS: nonresidents from pistol licensing
CONCEALED WEAPONS: requirements.

A resident of another state who holds a license to carry a pistol concealed upon his or her person issued by a state other than Michigan is exempt under subsection 12(1)(f), MCL 28.432(1)(f), of the Firearms Act, from obtaining a license to purchase, carry, possess, or transport a pistol as required by section 2, MCL 28.422, of the Act. A Michigan resident who holds a concealed pistol license issued by another state is exempt under subsection 12(1)(f), MCL 28.432(1)(f), of the Firearms Act, from obtaining a license to purchase, carry, possess, or transport a pistol as required by section 2, MCL 28.422, but is not exempt from obtaining a concealed pistol license under section 5b, MCL 28.425b, of the Act, in order to carry a concealed pistol in Michigan.

Opinion No. 7304

June 19, 2018

The Honorable Mike Nofs

The Honorable Lee Chatfield

State Senator

State Representative

The Capitol

The Capitol

Lansing, MI 48909

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You have asked whether a person who holds a concealed pistol license issued by a state other than Michigan is exempt from the requirement to register his or her handgun in Michigan.^{1[1]}

The Firearms Act (Act), 1927 PA 372, as amended, MCL 28.421 *et seq.*, regulates the possession and carrying of certain firearms by Michigan residents, and, to some extent, by residents of another state while in Michigan. As explained below, the Act provides for a general licensing requirement for people who wish to purchase, carry, possess, or transport regulated firearms, and a specific licensing requirement for those who want to carry a concealed pistol. Both licensing schemes are implicated by your question, so a brief summary of each follows.

I. Pistol licensing

Section 2 of the Firearms Act, MCL 28.422, provides that “[e]xcept as otherwise provided in this act, a person shall not purchase, carry, possess, or transport a pistol in this state *without first having obtained a license for the pistol as prescribed in this section.*” (Emphasis added).^{2[2]} Subsection 2(3) provides that an “applicant” will be “qualified” to receive a “license” if certain criteria are met. MCL 28.422(3).

^{1[1]} Your request uses the term “handgun.” While federal law uses the term “handgun,” see 18 USC 921a(29), relevant Michigan law uses the term “pistol.” This opinion thus uses the term “pistol.”

^{2[2]} A “pistol” is defined as “a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.” MCL 28.421(1)(i). Like pistols, a short-barreled shotgun or short-barreled rifle that is 26 inches or less in length is subject to section 2, MCL 28.422, or section 2a, MCL 28.422a, whichever is applicable. MCL 750.224b(4).

First, the person cannot be the subject of an order or disposition issued under various statutes, including personal protection orders, orders requiring involuntary hospitalization, or orders adjudging an individual as legally incapacitated. MCL 28.422(3)(a)(i)–(vii). Second, the person must be “18 years of age or older” or “21 years of age or older” if the “seller is licensed under 18 USC 923,” a federal law. MCL 28.422(3)(b). Third, the person must be “a citizen of the United States or an alien lawfully admitted into the United States and [] a legal resident of this state.” MCL 28.422(3)(c). Fourth, the person must not have a felony or a criminal charge listed in section 5b of the Act, MCL 28.425b, pending against him or her at the time of application. MCL 28.422(3)(d).^{3[3]} Fifth, the person must not be prohibited from “possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under . . . [MCL 750.224f](#),” the felon in possession of a firearm statute. MCL 28.422(3)(e). Sixth, the person “has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.” MCL 28.422(3)(f). Seventh, the person “is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.” MCL 28.422(3)(g). And eighth, the “person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.” MCL 28.422(3)(h).

In addition to these requirements, another section of the Firearms Act specifies that “[a] license shall not be issued to an applicant under section 2 . . . unless . . . [t]he issuing agency has determined through the federal national instant criminal background check system (NICS) that the applicant is not prohibited under federal law from possessing or transporting a firearm.” MCL 28.426.4[4]

Any person meeting all the criteria must fill out an application for a license and sign it under oath, and in return will receive a license to purchase a pistol (often referred to as a pistol purchase permit) signed by the licensing authority (the local police department or county sheriff). MCL 28.422(3)–(4). This license to purchase is void unless used within 30 days. MCL 28.422(4). At the time the person “purchases or otherwise acquires a pistol, the seller shall fill out the license forms describing the pistol, together with the date of sale or acquisition, and sign his or her name in ink indicating that the pistol was sold to or otherwise acquired by the purchaser. The purchaser shall also sign his or her name in ink indicating the purchase or other acquisition of the pistol from the seller.” MCL 28.422(5) (emphasis added).

The person purchasing or otherwise acquiring the pistol must then return a copy of the completed license to the local police department or county sheriff within 10 days of the purchase or acquisition. *Id.* Within 10 days of receiving the completed license from the purchaser, the local police department or county sheriff must enter the information into the pistol entry database or otherwise provide the information to the Department of State Police. MCL 28.422(6). And within 48 hours of entering the information in the database or otherwise providing it to the State Police, the local police department or county sheriff must forward a copy of the completed license to the State Police. *Id.* Thereafter, “[t]he licensee may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the license.” *Id.* After the 30 days, “the person is not required to have the license in his or her possession while carrying, using, possessing, or transporting the pistol . . .” *Id.*

Under the Michigan Penal Code, Chapter 37, Firearms, 1931 PA 328, MCL 750.222 *et seq.*, it is a misdemeanor for a person to “obtain” a pistol in violation of section 2, MCL 28.422. MCL

^{3[3]} Subsection 5b(7), MCL 28.425b(7), contains an extensive list of misdemeanors that can effect an applicant’s ability to obtain a license to purchase or acquire a pistol or a concealed pistol license.

^{4[4]} If the applicant is not a United States citizen, the licensing agency must also verify “through the United States immigration and customs enforcement databases that the applicant is not an illegal alien or a nonimmigrant alien.” MCL 28.426(b). These requirements also apply to applicants for a concealed pistol license under section 5b, MCL 28.425b. See MCL 28.426.

750.232a(1). A person who makes a false statement on an application to purchase a pistol under section 2, MCL 28.422, is guilty of a felony. MCL 750.232a(3). In addition, a person who “knowingly sells a pistol without complying with section 2” is guilty of a misdemeanor. MCL 750.223.

II. Concealed pistol licensing

Subsection 227(2) of the Michigan Penal Code, MCL 750.227(2), generally prohibits the carrying of a pistol concealed upon a person’s body without a license:

A person shall not carry a pistol concealed on or about his or her person . . . except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law and if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon such license. [Emphasis added.]

A person who violates this subsection is guilty of a felony. MCL 750.227(3).

Consistent with the language of subsection 227(2), subsection 231a(1)(a) expressly provides that the prohibition regarding concealed carry does not apply “[t]o a person holding a valid license to carry a pistol concealed upon his or her person issued by his or her state of residence except where the pistol is carried in nonconformance with a restriction appearing on the license.” MCL 750.231a(1)(a).^{5[5]}

As noted above, the Firearms Act sets forth the licensing scheme for carrying a concealed pistol in Michigan. See MCL 28.421a (“It is the intent of the legislature to create a standardized system for issuing concealed pistol licenses . . .”). Section 5b of the Firearms Act, MCL 28.425b, prescribes the requirements for obtaining such a license. A person must apply for a license by filling out an application and providing the required information, including that: the applicant meets the requirements for licensure; the applicant authorizes access to certain personal records, like medical records; the applicant discloses relevant mental health history, along with any felony convictions and specific misdemeanors; and the applicant discloses whether the person was dishonorably discharged from the military. MCL 28.425b(1)(a)–(f). The applicant must also provide a certificate stating that he or she has completed pistol safety training as required by the Act. MCL 28.425b(1)(j); MCL 28.425b(7)(c). Applications are then returned to the relevant county clerk. MCL 28.425b(1).^{6[6]}

After the applicant submits a completed application, pays the required fee, MCL 28.425b(5), and has fingerprints taken, MCL 28.425b(9), the Department of State Police verifies whether the applicant meets certain requirements for licensure. MCL 28.425b(6). The requirements are similar to those stated above for receiving a license to purchase or acquire a pistol under section 2, but the applicant must be at least 21 years of age; reside in Michigan for at least six months;^{7[7]} have completed the required training; not be dishonorably discharged from the military; and have no felony convictions or pending felony charges and no convictions or pending charges for certain misdemeanors within 3 or 8 years preceding the application. MCL 28.425b(7)(a)–(m). The person must also have a valid state-issued driver license or personal identification card. MCL 28.425b(7)(n). The person seeking

^{5[5]} The Michigan Penal Code also exempts other individuals, see MCL 750.231, or certain circumstances, see MCL 750.231a(1)(b)–(e), from subsection 227(2)’s concealed carry prohibition.

^{6[6]} Public Act 3 of 2015 abolished county concealed weapon licensing boards and transferred the duties to county clerks.

^{7[7]} The six months applies unless an emergency concealed pistol license is sought or, at the time the applicant’s residence in Michigan is established, the applicant has a valid concealed pistol license issued by another state. MCL 28.425b(7)(b).

licensure must also submit fingerprints, which are sent to the Department of State Police and the Federal Bureau of Investigation for review. MCL 28.425b(1), (9)–(10).

If an applicant does not meet the requirements of subsection 5b(7), the license must be denied. MCL 28.425b(11). The license generally must be granted or denied within 45 days after the applicant has classifiable fingerprints taken, and if denied, the applicant must be informed of the reason for the denial and the right to appeal. MCL 28.425b(13)–(14). If the license is granted, it “authorizes the licensee” to “[c]arry a pistol concealed on or about his or her person anywhere in this state,” and in “a vehicle, whether concealed or not concealed, anywhere in this state” except as otherwise provided by section 5o, MCL 28.425o, and other laws. MCL 28.425c(3)(a)–(b).

III. Interplay between pistol licensing and concealed pistol licensing

Subsection 2a(1) of the Firearms Act, MCL 28.422a(1), provides that certain “individuals are not required to obtain a license under section 2 to purchase, carry, possess, use, or transport a pistol[.]” The exemptions include “[a]n individual licensed under section 5b” to carry a concealed pistol. MCL 28.422a(1)(a).^{8[8]} In that case, if a person licensed to carry a concealed pistol purchases or otherwise acquires a pistol, the seller records the purchase information on a record (presently called a pistol sales record), including the purchaser’s concealed weapon license number, and the purchaser must return a copy of the record to his or her local police department or county sheriff within 10 days of the purchase or acquisition. MCL 28.422a(2).

Within 10 days of receiving the pistol sales record from the purchaser, the local police department or county sheriff must enter the information into the pistol entry database or otherwise provide the information to the Department of State Police. MCL 28.422a(3). Within 48 hours of entering the information in the database or otherwise providing it to the State Police, the local police department or county sheriff must forward a copy of the record to the State Police. *Id.* “The purchaser may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the record.” *Id.* After the 30 days, “the person is not required to have the record in his or her possession while carrying, using, possessing, or transporting the pistol . . .” *Id.* Thus, section 2a, MCL 28.422a, relieves Michigan concealed pistol license holders of the obligation to obtain a license to purchase a pistol under section 2. Nevertheless, the purchase or acquisition information is shared with law enforcement just as in a purchase or acquisition under section 2.

IV. Application of pistol licensing requirements to a person holding a concealed pistol license from another state

You ask whether “an individual who holds a concealed pistol license from a state other than Michigan [is] exempt from the requirement to register” his or her pistol in Michigan. The word “register” is understood as referring to the general licensing requirements set forth in section 2 of the Act, which includes a pistol registration component, as discussed above. You also note that this question “arises from the exemption offered in MCL 28.432(1)(f)[.]”

Again, section 2 sets forth a general licensing requirement for the purchase, possession, carrying, and transporting of a pistol in Michigan. Section 2 itself provides exemptions to the licensing requirement for various individuals. See MCL 28.422(7) (dealers who purchase from wholesalers; persons who sell or exchange antique firearms); 422(9) (nonresidents); 422(12) (persons under age 18 at a target range or shooting facility); 422(13) (other persons at target range or shooting facility).

^{8[8]} That exemption, however, does not include “an individual who has an emergency license issued under section 5a(4) or a receipt serving as a concealed pistol license under section 5b(9) or 5l(3).” MCL 28.422a(1)(a).

In addition, section 2a provides exemptions to the licensing requirement. See MCL 28.422a(1)(a) (individual with concealed pistol license under section 5b, with certain exceptions); 422a(1)(b) (federally licensed firearms dealer); 422a(1)(c) (individual who purchases a pistol from a federally licensed firearms dealer in compliance with 18 USC 922(t)); 422a(1)(d) (individual employed as a police officer and licensed or certified under 1965 PA 203).

And finally, section 12 of the Act, MCL 28.432, establishes other exemptions to section 2. Section 12 provides that “[s]ection 2 does not apply to any of the following,” and it sets forth a number of entities and individuals, including:

A United States citizen holding a license to carry a pistol concealed upon his or her person issued by another state. [MCL 28.432(1)(f).]

The question is who is exempted from complying with section 2 under the plain language of subsection 12(1)(f)—a resident of another state, a resident of

Michigan, or both. Because your request does not expressly identify whether the person at issue is a resident of Michigan or of another state, both scenarios are addressed.

A. Resident of another state

When interpreting a statute, the primary rule of construction is to discern and give effect to the Legislature’s intent, the most reliable indicator of which is the clear and unambiguous language of the statute. *Jesperson v Auto Club Ins Ass’n*, 499 Mich 29, 34 (2016). The language must be enforced as written, giving effect to every word, phrase, and clause. *Id.*

Subsection 12(1)(f) plainly applies to a United States citizen residing in another state who holds a license to carry a concealed pistol, whether issued by the person’s state of residence or by state other than Michigan.^{9[9]} This exemption is consistent with section 2’s internal exemption from its requirements for nonresidents, except section 2 requires the nonresident to be licensed to purchase, carry, or transport a pistol by that individual’s “state of residence.” MCL 28.422(9).^{10[10]}

It is my opinion, therefore, that a resident of another state who holds a license to carry a pistol concealed upon his or her person issued by that state or a state other than Michigan is exempt under subsection 12(1)(f), MCL 28.432(1)(f), of the Firearms Act, from obtaining a license to purchase, carry, possess, or transport a pistol as required by section 2, MCL 28.422, of the Act.

B. Resident of Michigan

For purposes of licensing under section 2, “a person is considered a legal resident” of Michigan if (1) the person has a valid, lawfully obtained Michigan driver license or personal identification card; or (2) the person is lawfully registered to vote in Michigan; or (3) the person is on active duty status with the United States armed forces and is stationed outside of Michigan, but the person’s home of record is in Michigan; or (4) the person is on active duty with the United States armed forces and is permanently

^{9[9]} There are 30 states that will issue concealed pistol (or concealed carry) licenses to nonresidents, including Ohio, Indiana, Illinois, Minnesota, and Pennsylvania. See <http://www.handgunlaw.us/documents/NonResidentPermits.pdf>, (last accessed June 14, 2018).

^{10[10]} Section 2’s exemption for nonresidents with a license from their state of residence does not apply if the nonresident’s visit exceeds 180 days. MCL 28.422(9)(e).

stationed in Michigan, but the person’s home of record is in another state. MCL 28.422(3)(c)(i)–(iv).¹¹[11]

Assuming an individual is a resident of Michigan for purposes of section 2, the question is whether the resident’s possession of a concealed pistol license from a state other than Michigan exempts the resident from obtaining a license to possess, purchase, carry, or transport a pistol in Michigan under section 2.

“When the plain and ordinary meaning of statutory language is clear, [] construction is neither necessary nor permitted.” *Pace v Edel–Harrelson*, 499 Mich 1, 6 (2016). The language of subsection 12(1)(f) is plain; it applies to a “United States citizen holding a license to carry a pistol concealed upon his or her person issued by another state.” MCL 28.432(1)(f). A Michigan resident with an out-of-state concealed pistol license who is also a United States citizen falls within this broad language and is exempt from section 2’s licensing requirements. This conclusion is consistent both with the Act’s treatment of Michigan residents with Michigan concealed pistol licenses, and with the legislative history of subsection 12.

Statutory provisions “ ‘are not to be read in isolation; rather, context matters, and thus statutory provisions are to be read as a whole.’ ” *McCahan v Brennan*, 492 Mich 730, 740 (2012), quoting *Robinson v City of Lansing*, 486 Mich 1 (2010). Context confirms the plain meaning of section 12(1)(f). As noted above, section 2a exempts a Michigan resident with a Michigan concealed pistol license from the licensing requirements of section 2. MCL 28.422a(1)(a).¹²[12] This exemption is rational. As discussed above in Parts I and II, section 5b’s licensing requirements for concealed pistol licenses are more rigorous than those for section 2 licenses to purchase or otherwise acquire a pistol. See MCL 28.425b(1)(a)–(j), (7), (9). In other words, if a Michigan resident has met the requirements for obtaining a Michigan concealed pistol license, the resident has met the requirements of section 2 as well. In addition, pistol purchase or acquisition information is recorded for Michigan concealed pistol license holders as it is for section 2 license holders. See MCL 28.422(4)–(6) and 28.422a(2)–(3).

The rationale for exempting a Michigan resident with an *out-of-state* concealed pistol license from section 2 is presumably the same—that the Michigan resident will have essentially met Michigan’s section 2 licensing requirements in the process of obtaining his or her out-of-state concealed pistol license. See, e.g., *People v Miller*, 238 Mich App 168, 171 (1999) (“Apparently, the intent of the Legislature was to accept as a satisfactory alternative the application, investigation, and licensing scheme of some other state, in lieu of similar procedures required by Michigan law.”).¹³[13] It should be noted that for this exemption to apply, the Michigan resident must possess an actual license from another state. OAG, 1930–1932, pp 568, 570 (May 10, 1932) (“A license to carry a pistol by another state is necessary.”). See, e.g., *Miller*, 238 Mich App at 171 (“another state’s legislative scheme that does not require any license whatsoever being issued is insufficient to trigger the exclusion of the Michigan statute”).

The history of section 12, MCL 28.432, further supports this conclusion. A precursor to section 12 appeared in Public Act 313 of 1925. But instead of providing an exemption from licensing, section 6 of that Act provided that a Michigan concealed pistol license could “be issued . . . to any person having a

¹¹[11] Section 5b also requires persons to be residents of Michigan in order to obtain a concealed pistol license. See MCL 28.425b(7)(b)(i)–(iv).

¹²[12] MCL 28.422a(1)(a) provides that “[t]he following individuals are not required to obtain a license under section 2, . . . [a]n individual licensed under section 5b, except for an individual who has an emergency license issued under section 5a(4) or a receipt serving as a concealed pistol license under section 5b(9) or 5l(3).”

¹³[13] Given the wide variety of licensing schemes, this may or may not be true depending upon the laws of the licensing state.

bona fide residence or place of business within the United States, and holding a license to carry [a pistol] concealed upon his person, issued by the authorities of the United States.” 1925 PA 313, section 6.

Public Act 313 was repealed by 1927 PA 372, Michigan’s current Firearms Act. As enacted, section 12 of Public Act 372 addressed both section 2 and section 5 licensing, and set forth many of the exceptions found in the Act today, including language similar to subsection 12(1)(f):

The provisions of section two [pistol licensing], . . . [and] five [concealed pistol licensing] . . . shall not apply to . . . a person licensed to carry a pistol concealed upon his person issued by another state . . .

This section was codified at CL 1929, § 16761, then again at CL 1948, 28.432.

Section 12 was first amended by Public Act 216 of 1964. Public Act 216 amended section 12 and added section 12a. Section 12 continued to set forth the exemptions from section 2’s pistol licensing requirements, including the exemption for a person with a concealed pistol license from another state. New section 12a set forth exemptions from the concealed pistol licensing requirements, which included a parallel exemption for “[a] person licensed to carry a pistol concealed upon his person issued by another state[.]” See 1964 PA 216, MCL 28.432a.

Section 12a’s language was later interpreted by Attorney General Frank Kelley in OAG, 1993-1994, No. 6798, p 144 (May 16, 1994). Attorney General Kelley analyzed section 12a and MCL 750.231a, which exempted “a person holding a valid license to carry a pistol concealed upon his or her person issued by another state” from prosecution for carrying a concealed weapon under MCL 750.227. The Attorney General concluded that this language did not apply to Michigan residents with out-of-state concealed pistol licenses in light of the Act’s numerous and specific licensing requirements because this would “permit Michigan residents to avoid them by obtaining a concealed pistol license in another state that may not impose many of the Michigan requirements.” *Id.* at 146.

This opinion was cited with approval in *People v Williams*, 226 Mich App 568, 570–571 (1997), which also interpreted MCL 750.231a and similarly concluded that the “person holding a valid license to carry a pistol concealed upon his or her person issued by another state” language did not apply to a Michigan resident in possession of an out-of-state concealed pistol license. Otherwise, a Michigan resident could avoid Michigan’s “strict criteria” by obtaining a license from another state. *Id.* at 571–572.14[14]

Importantly, neither OAG 6798 nor the *Williams* Court examined or even mentioned the language of section 12, MCL 28.432.

Not long after *Williams*, the Legislature amended section 12a in Public Act 381 of 2000. Public Act 381 amended section 12a to provide its current exemption for “[a] resident of another state who is licensed by that state to carry a concealed pistol.” MCL 28.432a(h). This amendment conformed the exemption in section 12a to the interpretation given it in *Williams*.

Section 12 was also amended by Public Act 381. Before its amendment, section 12 provided that section 2 did not apply to “a person holding a license to carry a pistol concealed upon his person issued by another state” Public Act 381 substituted the term “United States citizen” for “person” in section 12(1)(f). MCL 28.432(1)(f). But unlike section 12a, section 12 was not amended to conform to the *Williams* Court’s interpretation.

14[14] See also *Urbanik v Attorney General*, unpublished memorandum opinion by the Michigan Court of Appeals, (Docket No. 202126), decided April 3, 1998 (similarly interpreting MCL 28.432a).

“[W]hen enacting legislation, the Legislature is presumed to be fully aware of existing laws, including judicial decisions.” *Alvan Motor Freight, Inc v Dep’t of Treasury*, 281 Mich App 35, 41 (2008). Under this principle, it is presumed that the Legislature was aware of both section 12’s longstanding exemption from section 2 licensing and the *Williams* decision interpreting similar language in section 12a. These facts, along with the Legislature’s failure to similarly amend section 12 at the same time it amended section 12a in Public Act 381, confirms that the Legislature did not intend section 12(1)(f) to be limited to nonresidents. Rather, Michigan residents who are also United States citizens may invoke the exemption.¹⁵[15]

The purpose of section 2 along with section 5b is the creation of a comprehensive licensing scheme regarding the possession of pistols by Michigan residents. Some might argue that allowing a Michigan resident to opt out of section 2 licensing based on the person’s possession of an out-of-state concealed pistol license is at odds with that purpose, particularly where even nonresidents staying in Michigan must comply with section 2 after the expiration of 180 days. MCL 28.422(9). But the language of section 12(1)(f) is expansive and includes Michigan residents. If this interpretation is not the intended result, the Legislature is certainly free to amend the Act accordingly.¹⁶[16]

To be clear, while a Michigan resident in possession of a concealed pistol license from another state is exempt from section 2’s requirements, possession of that license does not entitle the Michigan resident to carry a concealed pistol in Michigan. Rather, a Michigan resident must obtain a Michigan concealed pistol license to carry concealed in Michigan. MCL 28.425b(7); 28.432a(h). Nonetheless, a Michigan resident with an out-of-state concealed pistol license under section 12(1)(f) may lawfully transport a pistol in a vehicle in Michigan, because such a resident is in compliance with section 2 by virtue of the exemption in section 12. See MCL 750.227(2); 750.231a(1)(a), (d), and (e).

It is my opinion, therefore, that a Michigan resident who holds a concealed pistol license issued by another state is exempt under subsection 12(1)(f), MCL 28.432(1)(f), of the Firearms Act from obtaining a license to purchase, carry, possess, or transport a pistol as required by section 2, MCL 28.422, but is not exempt from obtaining a concealed pistol license under section 5b, MCL 28.425b, of the Act, in order to carry a concealed pistol in Michigan.

Sincerely,

BILL SCHUETTE
Attorney General

¹⁵[15] Unlike other sections of the Act, section 12(1)(f) has not been amended to address lawfully admitted aliens. See MCL 28.422(3)(c), 28.425b(7)(b); see also *Chan v City of Troy*, 220 Mich App 376 (1996) (holding as unconstitutional under the federal Equal Protection Clause section 2’s United States citizenship requirement for licensing to the extent it excluded lawfully admitted aliens).

¹⁶[16] This opinion does not address whether Michigan residents who hold a concealed pistol license from another state, and others who are exempt from section 2 under section 12, must comply with the requirements of section 2a(2).