

**SUBSTITUTE FOR
SENATE BILL NO. 834**

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 2b (MCL 28.422b), as amended by 2001 PA 199.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2b. (1) Except as provided in subsection ~~(6)~~, (5), upon

1 entry of an order or disposition into the law enforcement
2 information network under any provision of law described in section
3 2(3)(a), the department of state police shall immediately send
4 written notice of that entry to the person who is the subject of
5 the order or disposition. The notice shall be sent by first-class
6 mail to the last known address of the person. The notice shall
7 include at least all of the following:

8 (a) The name of the person.

9 (b) The date the order or disposition was entered into the law
10 enforcement information network.

11 (c) A statement that the person cannot obtain a license to
12 purchase a pistol or obtain a concealed weapon license until the
13 order or disposition is removed from the law enforcement
14 information network.

15 (d) A statement that the person may request that the state
16 police correct or expunge inaccurate information entered into the
17 law enforcement information network.

18 (2) A person who is the subject of an order entered into the
19 law enforcement information network under any provision of law
20 described in section 2(3)(a) may request that the department of
21 state police do either of the following:

22 (a) Amend an inaccuracy in the information entered into the
23 law enforcement information network under any provision of law
24 described in section 2(3)(a).

25 (b) Expunge the person's name and other information concerning
26 the person from the law enforcement information network regarding 1
27 or more specific entries in the law enforcement information network

1 under any provision of law described in section 2(3)(a) because 1
2 or more of the following circumstances exist:

3 (i) The person is not subject to an order of involuntary
4 commitment in an inpatient or outpatient setting due to mental
5 illness.

6 (ii) The person is not subject to an order or disposition
7 determining that the person is legally incapacitated.

8 (iii) The person is not subject to a personal protection order
9 issued under any of the following:

10 (A) Section 2950 of the revised judicature act of 1961, 1961
11 PA 236, MCL 600.2950.

12 (B) Section 2950a of the revised judicature act of 1961, 1961
13 PA 236, MCL 600.2950a.

14 (C) Section 14 of 1846 RS 84, MCL 552.14.

15 (iv) The person is not subject to an order for release subject
16 to protective conditions that prohibits the purchase or possession
17 of a firearm by the person issued under section 6b of chapter V of
18 the code of criminal procedure, 1927 PA 175, MCL 765.6b.

19 (3) Before the expiration of 30 days after a request is made
20 to amend an inaccuracy in the law enforcement information network
21 under subsection (2)(a) or to expunge 1 or more specific entries
22 from the law enforcement information network under subsection
23 (2)(b)(i) to (iv), the department of state police shall conduct an
24 investigation concerning the accuracy of the information contained
25 in the law enforcement information network, either grant or deny
26 the request and provide the person with written notice of that
27 grant or denial. A notice of denial shall include a statement

1 specifying the basis of the denial, and that a person may appeal
2 the denial pursuant to the administrative procedures act of 1969,
3 1969 PA 306, MCL 24.201 to 24.328.

4 (4) If the department of state police refuses a request by a
5 person for amendment or expunction under subsection (2), or fails
6 to act within 30 days after receiving the request under subsection
7 (2), the person may request a hearing before a hearing officer
8 appointed by the department of state police for a determination of
9 whether information entered into the law enforcement information
10 network should be amended or expunged because it is inaccurate or
11 false. The department of state police shall conduct the hearing
12 pursuant to the administrative procedures act of 1969, 1969 PA 306,
13 MCL 24.201 to 24.328.

14 ~~Information contained in an order or disposition filed~~
15 ~~with the department of state police under any provision of law~~
16 ~~described in section 2(3)(a)(i) to (vii) is exempt from public~~
17 ~~disclosure under the freedom of information act, 1976 PA 442, MCL~~
18 ~~15.231 to 15.246.~~

19 (5) ~~(6)~~ The department of state police shall not send written
20 notice of an entry of an order or disposition into the law
21 enforcement information network as required for a personal
22 protection order issued under section 2950 or 2950a of the revised
23 judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,
24 until that department has received notice that the respondent of
25 the order has been served with or has received notice of the
26 personal protection order.

27 Enacting section 1. This amendatory act takes effect 180 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 97th Legislature are
4 enacted into law:

5 (a) Senate Bill No. 49.

6 (b) Senate Bill No. 881.

7 (c) House Bill No. 4155.

8 (d) House Bill No. 5325.

9 (e) House Bill No. 5328.