

# HOUSE BILL NO. 5275

December 05, 2019, Introduced by Reps. Wittenberg, Hoadley, Brenda Carter, Brixie, Byrd, Rabhi, Kuppa, Peterson, Hertel, Ellison, Stone, Manoogian, Hammoud, Tyrone Carter, Tate, Anthony, Pohutsky, Koleszar, Greig, Warren, Pagan, Bolden, Garza, Kennedy, Hope, Lasinski, LaGrand, Clemente, Sowerby, Camilleri, Hood and Whitsett and referred to the Committee on Military, Veterans and Homeland Security.

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



KHS



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and parts of acts inconsistent with this act,"  
 by amending sections 2, 2a, 2b, 12, and 14a (MCL 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) Except as otherwise provided in this act, a person  
 2 shall not purchase, carry, possess, or transport a ~~pistol~~-**firearm**  
 3 in this state without first having obtained a license for the  
 4 ~~pistol~~-**firearm** as prescribed in this section.

5       (2) ~~A person~~-**An individual** who brings a ~~pistol~~-**firearm** into  
 6 this state who is on leave from active duty with the ~~armed forces~~  
 7 **Armed Forces** of the United States or who has been discharged from  
 8 active duty with the ~~armed forces~~-**Armed Forces** of the United States  
 9 shall obtain a license for the ~~pistol~~-**firearm** within 30 days after  
 10 his or her arrival in this state.

11       (3) The commissioner or chief of police of a city, township,  
 12 or village police department that issues licenses to purchase,  
 13 carry, possess, or transport ~~pistols~~-**firearms**, or his or her duly  
 14 authorized deputy, or the sheriff or his or her duly authorized  
 15 deputy, in the parts of a county not included within a city,  
 16 township, or village having an organized police department, in  
 17 discharging the duty to issue licenses shall with due speed and  
 18 diligence issue licenses to purchase, carry, possess, or transport  
 19 ~~pistols~~-**firearms** to qualified applicants unless he or she has  
 20 probable cause to believe that the applicant would be a threat to  
 21 himself or herself or to other individuals, or would commit an  
 22 offense with the ~~pistol~~-**firearm** that would violate a law of this or



1 another state or of the United States. An applicant is qualified if  
2 all of the following circumstances exist:

3 (a) The ~~person~~**individual** is not subject to an order or  
4 disposition for which he or she has received notice and an  
5 opportunity for a hearing, and which was entered into the law  
6 enforcement information network under any of the following:

7 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
8 330.1464a.

9 (ii) Section 5107 of the estates and protected individuals  
10 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
11 642.

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

14 (iv) Section 2950a of the revised judicature act of 1961, 1961  
15 PA 236, MCL 600.2950a.

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

17 (vi) Section 6b of chapter V of the code of criminal procedure,  
18 1927 PA 175, MCL 765.6b, if the order has a condition imposed under  
19 section 6b(3) of chapter V of the code of criminal procedure, 1927  
20 PA 175, MCL 765.6b.

21 (vii) Section 16b of chapter IX of the code of criminal  
22 procedure, 1927 PA 175, MCL 769.16b.

23 (b) The ~~person~~**individual** is 18 years of age or older or, if  
24 the **firearm is a pistol and the** seller is licensed under 18 USC  
25 923, is 21 years of age or older.

26 (c) The ~~person~~**individual** is a citizen of the United States or  
27 an alien lawfully admitted into the United States and is a legal  
28 resident of this state. For the purposes of this section, ~~a person~~  
29 **an individual** is considered a legal resident of this state if any



1 of the following apply:

2 (i) The ~~person~~**individual** has a valid, lawfully obtained  
3 Michigan driver license issued under the Michigan vehicle code,  
4 1949 PA 300, MCL 257.1 to 257.923, or an official state personal  
5 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

6 (ii) The ~~person~~**individual** is lawfully registered to vote in  
7 this state.

8 (iii) The ~~person~~**individual** is on active duty status with the  
9 United States ~~armed forces~~**Armed Forces** and is stationed outside of  
10 this state, but the ~~person's~~**individual's** home of record is in this  
11 state.

12 (iv) The ~~person~~**individual** is on active duty status with the  
13 United States ~~armed forces~~**Armed Forces** and is permanently  
14 stationed in this state, but the ~~person's~~**individual's** home of  
15 record is in another state.

16 (d) A felony charge or a criminal charge listed in section 5b  
17 against the ~~person~~**individual** is not pending at the time of  
18 application.

19 (e) The ~~person~~**individual** is not prohibited from possessing,  
20 using, transporting, selling, purchasing, carrying, shipping,  
21 receiving, or distributing a firearm under section 224f of the  
22 Michigan penal code, 1931 PA 328, MCL 750.224f.

23 (f) The ~~person~~**individual** has not been adjudged insane in this  
24 state or elsewhere unless he or she has been adjudged restored to  
25 sanity by court order.

26 (g) The ~~person~~**individual** is not under an order of involuntary  
27 commitment in an inpatient or outpatient setting due to mental  
28 illness.

29 (h) The ~~person~~**individual** has not been adjudged legally



1 incapacitated in this state or elsewhere. This subdivision does not  
 2 apply to ~~a person~~ **an individual** who has had his or her legal  
 3 capacity restored by order of the court.

4 (4) ~~Applications~~ **An applicant** for licenses ~~a license~~ under  
 5 this section shall ~~be signed by the applicant~~ **sign the application**  
 6 under oath ~~upon forms~~ **on a form** provided by the director of the  
 7 department of state police. ~~Licenses~~ **A licensing authority shall**  
 8 **issue a license** to purchase, carry, possess, or transport ~~pistols~~  
 9 ~~shall be executed~~ **firearms** in triplicate ~~upon forms~~ **on a form**  
 10 provided by the director of the department of state police. ~~and~~  
 11 ~~shall be signed by the~~ **The licensing authority shall sign any**  
 12 **license issued under this section.** ~~Three~~ **The licensing authority**  
 13 **shall deliver 3** copies of the license ~~shall be delivered to the~~  
 14 applicant. ~~by the licensing authority.~~ A license is void unless  
 15 used within 30 days after the date it is issued.

16 (5) If an individual purchases or otherwise acquires a ~~pistol,~~  
 17 **firearm**, the seller shall fill out the license forms describing the  
 18 ~~pistol,~~ **firearm**, together with the date of sale or acquisition, and  
 19 sign his or her name in ink indicating that the ~~pistol~~ **firearm** was  
 20 sold to or otherwise acquired by the purchaser. The purchaser shall  
 21 also sign his or her name in ink indicating the purchase or other  
 22 acquisition of the ~~pistol~~ **firearm** from the seller. The seller may  
 23 retain a copy of the license as a record of the transaction. The  
 24 purchaser shall receive 2 copies of the license. ~~The~~ **If the firearm**  
 25 **is a pistol, the** purchaser shall return 1 copy of the license to  
 26 the licensing authority within 10 days after the date the pistol is  
 27 purchased or acquired. The **purchaser shall** return ~~of~~ the copy to  
 28 the licensing authority ~~may be made in person or may be made by~~  
 29 first-class mail or certified mail sent within the 10-day period to



1 the proper address of the licensing authority. A purchaser who  
2 fails to comply with the requirements of this subsection is  
3 responsible for a state civil infraction and may be fined not more  
4 than \$250.00. If a purchaser is found responsible for a state civil  
5 infraction under this subsection, the court shall notify the  
6 department of state police of that determination.

7 (6) Within 10 days after receiving the license copy **for a**  
8 **pistol** returned under subsection (5), the licensing authority shall  
9 electronically enter the information into the pistol entry database  
10 as required by the department of state police if it has the ability  
11 to electronically enter that information. If the licensing  
12 authority does not have that ability, the licensing authority shall  
13 provide that information to the department of state police in a  
14 manner otherwise required by the department of state police. Any  
15 licensing authority that provided pistol descriptions to the  
16 department of state police under former section 9 of this act shall  
17 continue to provide pistol descriptions to the department of state  
18 police under this subsection. Within 48 hours after entering or  
19 otherwise providing the information on the license copy returned  
20 under subsection (5) to the department of state police, the  
21 licensing authority shall forward the copy of the license to the  
22 department of state police. The purchaser ~~has the right to~~ **may**  
23 obtain a copy of the information placed in the pistol entry  
24 database under this subsection to verify the accuracy of that  
25 information. The licensing authority may charge a fee not to exceed  
26 \$1.00 for the cost of providing the copy. The licensee may carry,  
27 use, possess, and transport the pistol for 30 days beginning on the  
28 date of purchase or acquisition only while he or she is in  
29 possession of his or her copy of the license. However, the person



1 is not required to have the license in his or her possession while  
2 carrying, using, possessing, or transporting the pistol after this  
3 period.

4 (7) This section does not apply to the purchase of ~~pistols~~  
5 **firearms** from wholesalers by dealers regularly engaged in the  
6 business of selling ~~pistols~~**firearms** at retail, or to the sale,  
7 barter, or exchange of ~~pistols~~**firearms** kept as relics or curios  
8 not made for modern ammunition or permanently deactivated.

9 (8) This section does not prevent the transfer of ownership of  
10 pistols to an heir or devisee, whether by testamentary bequest or  
11 by the laws of intestacy regardless of whether the pistol is  
12 registered with this state. An individual who has inherited a  
13 ~~pistol~~**firearm** shall obtain a license as required in this section  
14 within 30 days of taking physical possession of the ~~pistol~~.  
15 **firearm**. The license may be signed by a next of kin of the decedent  
16 or the person authorized to dispose of property under the estates  
17 and protected individuals code, 1998 PA 386, MCL 700.1101 to  
18 700.8206, including when the next of kin is the individual  
19 inheriting the ~~pistol~~**firearm**. If the heir or devisee is not  
20 qualified for a license under this section, the heir or devisee may  
21 direct the next of kin or person authorized to dispose of property  
22 under the estates and protected individuals code, 1998 PA 386, MCL  
23 700.1101 to 700.8206, to dispose of the ~~pistol~~**firearm** in any  
24 manner that is lawful and the heir or devisee considers  
25 appropriate. The person authorized to dispose of property under the  
26 estates and protected individuals code, 1998 PA 386, MCL 700.1101  
27 to 700.8206, is not required to obtain a license under this section  
28 if he or she takes temporary lawful possession of the ~~pistol~~  
29 **firearm** in the process of disposing of the ~~pistol~~**firearm** pursuant



1 to the decedent's testamentary bequest or the laws of intestacy. A  
 2 law enforcement agency may not seize or confiscate a ~~pistol~~-**firearm**  
 3 being transferred by testamentary bequest or the laws of intestacy  
 4 unless the heir or devisee does not qualify for obtaining a license  
 5 under this section and the next of kin or person authorized to  
 6 dispose of property under the estates and protected individuals  
 7 code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable to retain  
 8 his or her temporary possession of the ~~pistol~~-**firearm** or find  
 9 alternative lawful storage. If a law enforcement agency seizes or  
 10 confiscates a ~~pistol~~-**firearm** under this subsection, the heir or  
 11 devisee who is not qualified to obtain a license under this section  
 12 retains ownership interest in the ~~pistol~~-**firearm** and, within 30  
 13 days of being notified of the seizure or confiscation, may file  
 14 with a court of competent jurisdiction to direct the law  
 15 enforcement agency to lawfully transfer or otherwise dispose of the  
 16 ~~pistol~~-**firearm**. A ~~pistol~~-**firearm** seized under this subsection  
 17 ~~shall~~-**must** not be destroyed, sold, or used while in possession of  
 18 the seizing entity or its agents until 30 days have passed since  
 19 the heir or devisee has been notified of the seizure and no legal  
 20 action regarding the lawful possession or ownership of the seized  
 21 ~~pistol~~-**firearm** has been filed in any court and is pending. As used  
 22 in this subsection:

23 (a) "Devisee" means that term as defined in section 1103 of  
 24 the estates and protected individuals code, 1998 PA 386, MCL  
 25 700.1103.

26 (b) "Heir" means that term as defined in section 1104 of the  
 27 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

28 (9) An individual who is not a resident of this state is not  
 29 required to obtain a license under this section if all of the





1 following conditions apply:

2 (a) The individual is licensed in his or her state of  
3 residence to purchase, carry, or transport a ~~pistol~~-**firearm**.

4 (b) The individual is in possession of the license described  
5 in subdivision (a).

6 (c) The individual is the owner of the ~~pistol~~-**firearm** he or  
7 she possesses, carries, or transports.

8 (d) The individual possesses the ~~pistol~~-**firearm** for a lawful  
9 purpose.

10 (e) The individual is in this state for a period of 180 days  
11 or less and does not intend to establish residency in this state.

12 (10) An individual who is a nonresident of this state shall  
13 present the license described in subsection (9) (a) upon the demand  
14 of a police officer. An individual who violates this subsection is  
15 guilty of a misdemeanor punishable by imprisonment for not more  
16 than 90 days or a fine of not more than \$100.00, or both.

17 (11) The licensing authority may require ~~a person~~-**an**  
18 **individual** claiming active duty status with the United States ~~armed~~  
19 ~~forces~~-**Armed Forces** to provide proof of 1 or both of the following:

20 (a) The ~~person's~~-**individual's** home of record.

21 (b) Permanent active duty assignment in this state.

22 (12) This section does not apply to ~~a person~~-**an individual** who  
23 is younger than the age required under subsection (3) (b) and who  
24 possesses a ~~pistol~~-**firearm** if ~~all~~-**1** of the following conditions  
25 ~~apply~~-**applies**:

26 (a) The ~~person~~-**individual** is not otherwise prohibited from  
27 possessing that ~~pistol~~-**firearm** and **all of the following apply**:

28 (i) ~~(b)~~-The ~~person~~-**individual** is at a recognized target range.

29 (ii) ~~(c)~~-The ~~person~~-**individual** possesses the ~~pistol~~-**firearm** for



1 the purpose of target practice or instruction in the safe use of a  
2 ~~pistol~~.**firearm**.

3 (iii) ~~(d)~~ The ~~person~~**individual** is in the physical presence and  
4 under the direct supervision of any of the following:

5 (A) ~~(i)~~ The ~~person's~~**individual's** parent.

6 (B) ~~(ii)~~ The ~~person's~~**individual's** guardian.

7 (C) ~~(iii)~~ An individual who is 21 years of age or older, who is  
8 authorized by the ~~person's~~**individual's** parent or guardian, and who  
9 has successfully completed a pistol safety training course or class  
10 that meets the requirements of section 5j(1)(a), (b), or (d), and  
11 received a certificate of completion.

12 (iv) ~~(e)~~ The owner of the ~~pistol~~**firearm** is physically present.

13 (b) **The individual is not otherwise prohibited from possessing**  
14 **that firearm and the individual possesses the firearm for the**  
15 **purpose of hunting.**

16 (13) This section does not apply to ~~a person~~**an individual** who  
17 possesses a ~~pistol~~**firearm** if all of the following conditions  
18 apply:

19 (a) The ~~person~~**individual** is not otherwise prohibited from  
20 possessing a ~~pistol~~**firearm**.

21 (b) The ~~person~~**individual** is at a recognized target range or  
22 shooting facility.

23 (c) The ~~person~~**individual** possesses the ~~pistol~~**firearm** for the  
24 purpose of target practice or instruction in the safe use of a  
25 ~~pistol~~**firearm**.

26 (d) The owner of the ~~pistol~~**firearm** is physically present and  
27 supervising the use of the ~~pistol~~**firearm**.

28 (14) A person who forges any matter on an application for a  
29 license under this section is guilty of a felony, punishable by



1 imprisonment for not more than 4 years or a fine of not more than  
2 \$2,000.00, or both.

3 (15) A licensing authority shall implement this section during  
4 all of the licensing authority's normal business hours and shall  
5 set hours for implementation that allow an applicant to use the  
6 license within the time period set forth in subsection (4).

7 Sec. 2a. (1) The following individuals are not required to  
8 obtain a license under section 2 to purchase, carry, possess, use,  
9 or transport a ~~pistol~~:**firearm**:

10 (a) An individual licensed under section 5b, except for an  
11 individual who has an emergency license issued under section 5a(4)  
12 or a receipt serving as a concealed pistol license under section  
13 5b(9) or 5l(3).

14 (b) A federally licensed firearms dealer.

15 (c) An individual who purchases a ~~pistol~~:**firearm** from a  
16 federally licensed firearms dealer in compliance with 18 USC  
17 922(t).

18 (d) An individual currently employed as a police officer who  
19 is licensed or certified under the Michigan commission on law  
20 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

21 **(e) An individual purchasing a firearm other than a pistol who**  
22 **has a federal national instant criminal background check performed**  
23 **on him or her by a federally licensed firearms dealer not more than**  
24 **5 days before the purchase.**

25 (2) If an individual described in subsection (1) purchases or  
26 otherwise acquires a ~~pistol~~,**firearm**, the seller shall complete a  
27 record in triplicate on a form provided by the department of state  
28 police. ~~The record shall include~~ **that includes** the purchaser's  
29 concealed weapon license number, the number of the purchaser's



1 license or certificate issued under the Michigan commission on law  
 2 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or,  
 3 if the purchaser is a federally licensed firearms dealer, his or  
 4 her dealer license number. If the purchaser is not licensed under  
 5 section 5b or does not have a license or certificate issued under  
 6 the Michigan commission on law enforcement standards act, 1965 PA  
 7 203, MCL 28.601 to 28.615, and is not a federally licensed firearms  
 8 dealer, the record ~~shall~~**must** include the dealer license number of  
 9 the federally licensed firearms dealer who is selling the ~~pistol~~.  
 10 **firearm or the dealer license number of the federally licensed**  
 11 **firearms dealer that performed the federal national instant**  
 12 **criminal background check.** The purchaser shall sign the record. The  
 13 seller may retain 1 copy of the record. The purchaser shall receive  
 14 2 copies of the record and, **if the firearm is a pistol**, forward 1  
 15 copy to the police department of the city, village, or township in  
 16 which the purchaser resides, or, if the purchaser does not reside  
 17 in a city, village, or township having a police department, to the  
 18 county sheriff, within 10 days following the purchase or  
 19 acquisition. The **purchaser shall** return ~~of~~ the copy to the police  
 20 department or county sheriff ~~may be made~~ in person or ~~may be made~~  
 21 by first-class mail or certified mail sent within the 10-day period  
 22 to the proper address of the police department or county sheriff. A  
 23 purchaser who fails to comply with the requirements of this  
 24 subsection is responsible for a state civil infraction and may be  
 25 fined not more than \$250.00. If a purchaser is found responsible  
 26 for a state civil infraction under this subsection, the court shall  
 27 notify the department of state police. If the purchaser is licensed  
 28 under section 5b, the court shall notify the licensing authority of  
 29 that determination.



(3) Within 10 days after receiving the record copy **for a**  
**pistol** returned under subsection (2), the police department or  
county sheriff shall electronically enter the information into the  
pistol entry database as required by the department of state police  
if it has the ability to electronically enter that information. If  
the police department or county sheriff does not have that ability,  
the police department or county sheriff shall provide that  
information to the department of state police in a manner otherwise  
required by the department of state police. Any police department  
or county sheriff that provided pistol descriptions to the  
department of state police under former section 9 of this act shall  
continue to provide pistol descriptions to the department of state  
police under this subsection. Within 48 hours after entering or  
otherwise providing the information on the record copy returned  
under subsection (2) to the department of state police, the police  
department or county sheriff shall forward the copy of the record  
to the department of state police. The purchaser ~~has the right to~~  
**may** obtain a copy of the information placed in the pistol entry  
database under this subsection to verify the accuracy of that  
information. The police department or county sheriff may charge a  
fee not to exceed \$1.00 for the cost of providing the copy. 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. However,  
the ~~person~~**individual** is not required to have the record in his or  
her possession while carrying, using, possessing, or transporting  
the pistol after this period.

(4) This section does not apply to a person or entity exempt  
under section 2(7).



1 (5) An individual who makes a material false statement on a  
2 sales record under this section is guilty of a felony punishable by  
3 imprisonment for not more than 4 years or a fine of not more than  
4 \$2,500.00, or both.

5 (6) The department of state police may promulgate rules to  
6 implement this section.

7 (7) The Michigan commission on law enforcement standards shall  
8 provide license or certificate information, as applicable, to the  
9 department of state police to verify the requirements of this  
10 section.

11 (8) As used in this section:

12 (a) "Federally licensed firearms dealer" means a person  
13 licensed to sell firearms under 18 USC 923.

14 (b) "Person" means an individual, partnership, corporation,  
15 association, or other legal entity.

16 Sec. 2b. (1) Except as provided in subsection (5), upon entry  
17 of an order or disposition into the law enforcement information  
18 network under any provision of law described in section 2(3)(a),  
19 the department of state police shall immediately send written  
20 notice of that entry to the ~~person~~**individual** who is the subject of  
21 the order or disposition. The notice shall be sent by first-class  
22 mail to the last known address of the ~~person~~**individual**. The  
23 notice ~~shall~~**must** include at least all of the following:

24 (a) The name of the ~~person~~**individual**.

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

27 (c) A statement that the ~~person~~**individual** cannot obtain a  
28 license to purchase a ~~pistol~~**firearm** or obtain a concealed weapon  
29 license until the order or disposition is removed from the law



1 enforcement information network.

2 (d) A statement that the ~~person~~**individual** may request that  
3 the state police correct or expunge inaccurate information entered  
4 into the law enforcement information network.

5 (2) ~~A person~~**An individual** who is the subject of an order  
6 entered into the law enforcement information network under any  
7 provision of law described in section 2(3)(a) may request that the  
8 department of state police do either of the following:

9 (a) Amend an inaccuracy in the information entered into the  
10 law enforcement information network under any provision of law  
11 described in section 2(3)(a).

12 (b) Expunge the ~~person's~~**individual's** name and other  
13 information concerning the ~~person~~**individual** from the law  
14 enforcement information network regarding 1 or more specific  
15 entries in the law enforcement information network under any  
16 provision of law described in section 2(3)(a) because 1 or more of  
17 the following circumstances exist:

18 (i) The ~~person~~**individual** is not subject to an order of  
19 involuntary commitment in an inpatient or outpatient setting due to  
20 mental illness.

21 (ii) The ~~person~~**individual** is not subject to an order or  
22 disposition determining that the ~~person~~**individual** is legally  
23 incapacitated.

24 (iii) The ~~person~~**individual** is not subject to a personal  
25 protection order issued under any of the following:

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

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



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

2 (iv) The ~~person~~**individual** is not subject to an order for  
3 release subject to protective conditions that prohibits the  
4 purchase or possession of a firearm by the ~~person~~**individual** issued  
5 under section 6b of chapter V of the code of criminal procedure,  
6 1927 PA 175, MCL 765.6b.

7 (3) Before the expiration of 30 days after a request is made  
8 to amend an inaccuracy in the law enforcement information network  
9 under subsection (2)(a) or to expunge 1 or more specific entries  
10 from the law enforcement information network under subsection  
11 (2)(b)(i) to (iv), the department of state police shall conduct an  
12 investigation concerning the accuracy of the information contained  
13 in the law enforcement information network, either grant or deny  
14 the request and provide the person with written notice of that  
15 grant or denial. A notice of denial ~~shall~~**must** include a statement  
16 specifying the basis of the denial, and that a person may appeal  
17 the denial pursuant to the administrative procedures act of 1969,  
18 1969 PA 306, MCL 24.201 to 24.328.

19 (4) If the department of state police refuses a request by a  
20 ~~person~~**an individual** for amendment or expunction under subsection  
21 (2), or fails to act within 30 days after receiving the request  
22 under subsection (2), the ~~person~~**individual** may request a hearing  
23 before a hearing officer appointed by the department of state  
24 police for a determination of whether information entered into the  
25 law enforcement information network should be amended or expunged  
26 because it is inaccurate or false. The department of state police  
27 shall conduct the hearing pursuant to the administrative procedures  
28 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

29 (5) The department of state police shall not send written





1 notice of an entry of an order or disposition into the law  
 2 enforcement information network as required for a personal  
 3 protection order issued under section 2950 or 2950a of the revised  
 4 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,  
 5 until that department has received notice that the respondent of  
 6 the order has been served with or has received notice of the  
 7 personal protection order.

8 Sec. 12. (1) Section 2 does not apply to any of the following:

9 (a) A police or correctional agency of the United States or of  
 10 this state or any subdivision of this state.

11 (b) The United States ~~army, air force, navy, or marine~~  
 12 ~~corps.~~ **Army, Air Force, Navy, or Marine Corps.**

13 (c) An organization authorized by law to purchase or receive  
 14 weapons from the United States or from this state.

15 (d) The ~~national guard, National Guard, armed forces reserves,~~  
 16 **United States Armed Forces Reserves,** or other duly authorized  
 17 military organization.

18 (e) A member of an entity or organization described in  
 19 subdivisions (a) through (d) for a ~~pistol~~ **firearm** while engaged in  
 20 the course of his or her duties with that entity or while going to  
 21 or returning from those duties.

22 (f) A United States citizen holding a license to carry a  
 23 pistol concealed upon his or her person issued by another state.

24 (g) The regular and ordinary possession and transportation of  
 25 a ~~pistol~~ **firearm** as merchandise by an authorized agent of a person  
 26 licensed to manufacture firearms or a licensed dealer.

27 (h) Purchasing, owning, carrying, possessing, using, or  
 28 transporting an antique firearm. As used in this subdivision,  
 29 "antique firearm" means that term as defined in section 231a of the



1 Michigan penal code, 1931 PA 328, MCL 750.231a.

2 (i) An individual carrying, possessing, using, or transporting  
3 a pistol belonging to another individual, if the other individual's  
4 possession of the pistol is authorized by law and the individual  
5 carrying, possessing, using, or transporting the pistol has  
6 obtained a license under section 5b to carry a concealed pistol or  
7 is exempt from licensure as provided in section 12a.

8 (2) The amendatory act that added subsection (1)(h) shall be  
9 known and may be cited as the "Janet Kukuk act".

10 Sec. 14a. (1) A law enforcement agency that seizes or  
11 otherwise comes into possession of a firearm or a part of a firearm  
12 subject to disposal under section 14 may, instead of forwarding the  
13 firearm or part of a firearm to the director of the department of  
14 state police or his or her designated representative for disposal  
15 under that section, retain that firearm or part of a firearm for  
16 the following purposes:

17 (a) For legal sale or trade to a federally licensed firearm  
18 dealer. The **law enforcement agency shall only use the** proceeds from  
19 any sale or trade under this subdivision ~~shall be used by the law~~  
20 ~~enforcement agency only for law enforcement purposes.~~ The law  
21 enforcement agency shall not sell or trade a firearm or part of a  
22 firearm under this subdivision to any individual who is a member of  
23 that law enforcement agency unless the individual is a federally  
24 licensed firearms dealer and the sale is made pursuant to a public  
25 auction.

26 (b) For official use by members of the seizing law enforcement  
27 agency who are employed as peace officers. ~~A~~**The law enforcement**  
28 **agency shall not sell a** firearm or part of a firearm ~~shall not be~~  
29 ~~sold~~ under this subdivision.



1 (2) A law enforcement agency that sells or trades any ~~pistol~~  
2 **firearm** to a licensed dealer under subsection (1)(a) or retains any  
3 ~~pistol~~**firearm** under subsection (1)(b) shall complete a record of  
4 the transaction under section 2 or section 2a, as applicable.

5 (3) A law enforcement agency that sells or trades a firearm or  
6 part of a firearm under this section shall retain a receipt of the  
7 sale or trade for ~~a period of~~ not less than 7 years. The law  
8 enforcement agency shall make all receipts retained under this  
9 subsection available for inspection by the department of state  
10 police upon demand and for auditing purposes by the state and the  
11 local unit of government of which the agency is a part.

12 (4) Before disposing of a firearm under this section, the law  
13 enforcement agency shall do both of the following:

14 (a) Determine through the law enforcement information network  
15 whether the firearm has been reported lost or stolen. If the  
16 firearm has been reported lost or stolen and the name and address  
17 of the owner can be determined, the law enforcement agency shall  
18 provide 30 days' written notice of its intent to dispose of the  
19 firearm under this section to the owner, and allow the owner to  
20 claim the firearm within that 30-day period if he or she is  
21 authorized to possess the firearm. If the police agency determines  
22 that a serial number has been altered or has been removed or  
23 obliterated from the firearm, the police agency shall submit the  
24 firearm to the department of state police or a forensic laboratory  
25 for serial number verification or restoration to determine legal  
26 ownership.

27 (b) Provide 30 days' notice to the public on a website  
28 maintained by the law enforcement agency of its intent to dispose  
29 of the firearm under this section. The notice ~~shall~~**must** include a



1 description of the firearm and shall state the firearm's serial  
2 number, if the serial number can be determined. The law enforcement  
3 agency shall allow the owner of the firearm to claim the firearm  
4 within that 30-day period if he or she is authorized to possess the  
5 firearm. The 30-day period required under this subdivision is in  
6 addition to the 30-day period required under subdivision (a).

7 (5) The law enforcement agency is immune from civil liability  
8 for disposing of a firearm in compliance with this section.

9 (6) As used in this section, "law enforcement agency" means  
10 any agency that employs peace officers.

