

# HOUSE BILL NO. 6226

June 15, 2022, Introduced by Rep. Bezotte and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2908.

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

1           Sec. 2908. (1) When a court orders a commitment or makes a  
2 finding or adjudication under the laws of this state by which an  
3 individual becomes subject to the provisions of 18 USC 922(d)(4) or  
4 (g)(4), the clerk of the court shall forward only that information  
5 that is necessary to identify the individual to the department of  
6 state police, which in turn shall forward the information to the

1 Federal Bureau of Investigation or its successor agency for the  
2 sole purpose of inclusion in the national instant criminal  
3 background check system. The court shall also notify the individual  
4 of the prohibitions of 18 USC 922(d)(4) and (g)(4).

5 (2) An individual who is subject to the disabilities of 18 USC  
6 922(d)(4) or (g)(4) or of section 2(3)(a)(i), (ii), or (vii) of 1927  
7 PA 372, MCL 28.422, or section 5b(7)(d)(i), (ii), or (v), (j), (k),  
8 (l), or (m) of 1927 PA 372, MCL 28.425b, because of an adjudication  
9 or commitment that occurred under the laws of this state may  
10 petition the court in which that adjudication or commitment  
11 proceeding occurred or the circuit court with jurisdiction over the  
12 county in which the individual currently resides to remove the  
13 disabilities. A copy of the petition for relief must be served upon  
14 the attorney who represented this state in the underlying case or  
15 proceeding, if any, or that attorney's successor in office. That  
16 attorney may, as the attorney considers appropriate, represent the  
17 interests of this state in the restoration proceedings.

18 (3) The court shall receive and consider evidence under this  
19 section in a closed proceeding, including evidence offered by the  
20 petitioner, concerning all of the following:

21 (a) The circumstances regarding the firearm disabilities from  
22 which relief is sought.

23 (b) The petitioner's mental health and criminal history  
24 records, if any.

25 (c) The petitioner's reputation, developed at a minimum  
26 through character witness statements, testimony, or other character  
27 evidence.

28 (d) Changes in the petitioner's condition or circumstances  
29 since the original adjudication, commitment, or diagnosis relevant

1 to the relief sought.

2 (4) The court shall grant the petition for relief to remove  
3 the disabilities if it finds by a preponderance of the evidence  
4 that the petitioner will not be likely to act in a manner dangerous  
5 to public safety and that granting the relief will not be contrary  
6 to the public interest. A record must be kept of the proceedings,  
7 but the record must remain confidential and be disclosed only to a  
8 court or the parties in the event of an appeal. The petitioner may  
9 appeal a denial of the requested relief, and review on appeal must  
10 be de novo.

11 (5) The clerk of the court shall promptly notify the  
12 department of state police of an order granting relief under this  
13 section. The department of state police shall as soon thereafter as  
14 is practicable, but no later than 10 business days thereafter,  
15 remove any applicable record in the law enforcement information  
16 network and any other database that the department of state police  
17 makes available to the national instant criminal background check  
18 system and notify the United States Attorney General that the basis  
19 for the record being made available no longer applies.

20 (6) An individual may petition for relief under this section  
21 not more than once every 2 years and, in the case of an individual  
22 who was committed to a mental health facility, not before the  
23 individual has been discharged from that commitment.