

**SUBSTITUTE FOR
HOUSE BILL NO. 5327**

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,"

(MCL 28.421 to 28.435) by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1B. (1) FIREARMS RECORDS ARE CONFIDENTIAL, ARE NOT**
2 **SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA**
3 **442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY**
4 **PERSON, EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION.**

1 (2) FIREARMS RECORDS MAY ONLY BE ACCESSED AND DISCLOSED BY A
2 PEACE OFFICER OR AUTHORIZED SYSTEM USER FOR THE FOLLOWING PURPOSES:

3 (A) A PEACE OFFICER HAS A REASONABLE SUSPICION THAT THE
4 INDIVIDUAL WHOSE FIREARMS RECORDS ARE THE SUBJECT OF DISCLOSURE
5 POSES A THREAT TO HIMSELF OR HERSELF OR OTHER INDIVIDUALS.

6 (B) A PEACE OFFICER HAS A REASONABLE SUSPICION THAT THE
7 INDIVIDUAL WHOSE FIREARMS RECORDS ARE THE SUBJECT OF DISCLOSURE HAS
8 COMMITTED AN OFFENSE WITH THE PISTOL THAT VIOLATES A LAW OF THIS
9 STATE, ANOTHER STATE, OR THE UNITED STATES.

10 (C) A PEACE OFFICER HAS A REASONABLE SUSPICION THAT THE PISTOL
11 THAT IS THE SUBJECT OF THE FIREARMS RECORDS SEARCH WAS USED DURING
12 THE COMMISSION OF AN OFFENSE THAT VIOLATES A LAW OF THIS STATE,
13 ANOTHER STATE, OR THE UNITED STATES.

14 (D) TO ENSURE THE SAFETY OF A PEACE OFFICER BEFORE A LAWFUL
15 SEARCH AND SEIZURE.

16 (E) FOR PURPOSES OF THIS ACT.

17 (F) A PEACE OFFICER HAS REASON TO BELIEVE THAT ACCESS TO THE
18 FIREARMS RECORDS IS NECESSARY WITHIN THE COMMISSION OF HIS OR HER
19 LAWFUL DUTIES. THE PEACE OFFICER OR AUTHORIZED SYSTEM USER SHALL
20 ENTER AND RECORD THE SPECIFIC REASON IN THE SYSTEM IN ACCORDANCE
21 WITH THE PROCEDURES IN SECTION 5E.

22 (3) A PERSON WHO INTENTIONALLY VIOLATES SUBSECTION (2) IS
23 GUILTY OF A CRIME AS FOLLOWS:

24 (A) FOR A FIRST OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR
25 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
26 NOT MORE THAN \$500.00, OR BOTH.

27 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY

1 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR
2 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

3 Enacting section 1. This amendatory act does not take effect
4 unless all of the following bills of the 97th Legislature are
5 enacted into law:

- 6 (a) Senate Bill No. 49.
- 7 (b) House Bill No. 4155.
- 8 (c) House Bill No. 5324.
- 9 (d) House Bill No. 5325.
- 10 (e) House Bill No. 5326.
- 11 (f) House Bill No. 5328.
- 12 (g) House Bill No. 5329.