



**House
Legislative
Analysis
Section**

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WEAPONS: POLICE CONFISCATE

**House Bill 4158 as enrolled
Public Act 76 of 1995
Second Analysis (6-29-95)**

**Sponsor: Rep. Sandra Hill
House Committee: Education
Senate Committee: Education**

THE APPARENT PROBLEM:

An incident reported to have occurred in the 47th legislative district, in which a school official returned a weapon discovered on school grounds to a member of the student's family, has prompted the introduction of legislation requiring school officials to turn confiscated weapons over to a local law enforcement agency.

THE CONTENT OF THE BILL:

Under the bill, which would amend the School Code, a school official who found a dangerous weapon in the possession of a student could confiscate the weapon or else request a law enforcement agency to respond as soon as possible and confiscate the weapon. If a school official did confiscate a weapon, he or she would have to give it to a law enforcement agency and could not release the weapon to another person, including its legal owner. A school official who complied with the bill's provisions in good faith would not be civilly or criminally liable for that compliance.

A law enforcement agency that took possession of a dangerous weapon in this way would be required to check all available local and state stolen weapon and stolen property files and the National Crime Information Center stolen gun and property files to determine the legal owner. If the weapon was a pistol, the agency would also be required to check the state pistol registration records. If the agency was able to find the owner and if the owner had not knowingly provided the weapon to the student, or had lawfully provided the weapon to the student but did not know or have reason to know the student would possess it at school or at a school activity or on the way to or from school on a school bus, the agency would send the weapon owner a notice by certified mail that the agency had the weapon and the owner had 90 days to claim it.

The bill would take effect August 1, 1995.

(The bill would amend a provision in the code added in 1987 that requires the superintendent of a local or intermediate school district [or a designee] to immediately notify a student's parents or guardian and local law enforcement when a dangerous weapon was found in the possession of the student while the student was attending school or a school activity or while he or she was en route to or from school on a school bus. The term "dangerous weapon" is defined in this section as "a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.")

MCL 380.1313

FISCAL IMPLICATIONS:

The bill would have no fiscal impact on the state, according to the Department of Education. (2-6-95)

ARGUMENTS:

For:

The bill would require that weapons found in the possession of a student be confiscated and turned over to a law enforcement agency and not returned by school officials to anyone else, including the legal owner. This is the appropriate response in such circumstances. The bill would provide legal protection to school officials who followed this procedure. It also requires police to search for the owner and, if appropriate, return the weapon.

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