

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 1052 (as reported without amendment)

Sponsor: Senator Dave Jaye

Committee: Hunting, Fishing and Forestry

## **CONTENT**

The bill would amend the handgun licensure Act to require a police agency that seized a firearm for forfeiture under the Act to review police records and the Law Enforcement Information Network to determine who owned the firearm and whether it was reported stolen. The police agency would then be required immediately to inform each owner that the firearm had been recovered or was being held as evidence of a crime, and allow any owner to claim the firearm within 30 days after the notification. After the 30-day period, the police agency would promptly have to turn over the firearm to the Department of State Police or, if the firearm were in the possession of the Department, it would have to dispose of the firearm as prescribed by the Michigan State Police Commissioner. ("Police agency" would mean the Department of State Police, a county sheriff's department, a local police or public safety department, or a university or college police or public safety department.)

An individual claiming an ownership interest in a seized firearm would have to prove ownership by presenting documentary evidence. If the individual were claiming ownership in a seized firearm because he or she was in the process of purchasing it from an owner of the firearm, the individual would be entitled to perfect his or her ownership interest by paying the police agency the balance due on the purchase agreement. The bill, however, would not require the police agency to return a firearm to an individual who was prohibited by law from possessing it. The bill also would allow an individual claiming ownership of a seized firearm to petition the circuit court for return of the firearm if the return were denied by the police agency or if the firearm were not returned within the specified time period. If a petition were filed, the police agency could not turn the firearm over to the Department and the Department could not dispose of it until ordered by the court.

A police agency that seized a firearm for forfeiture would have to exercise reasonable care to protect the firearm from loss or damage while it was in the agency's custody, and could not deface or otherwise place a permanent mark on the firearm.

Proposed MCL 28.435

Legislative Analyst: N. Nagata

## **FISCAL IMPACT**

The bill would have a minimal fiscal impact on State and local governments. Police agencies already make efforts to determine the owner of a firearm seized for forfeiture. The bill could add to their cost by requiring them to give written notification to such individuals and to act as the receiver of funds for the purchase of a forfeited firearm. During calendar year 1997, police agencies turned over approximately 5,300 forfeited handguns and 3,500 forfeited long guns to the Department of State Police for disposal.

Date Completed: 4-20-98

Fiscal Analyst: B. Baker