

HOUSE BILL No. 5682

February 20, 2002, Introduced by Reps. Cameron Brown, Middaugh, Kuipers, Rocca, Julian, Birkholz, Drolet, Jelinek, Gosselin, Pappageorge, Tabor, Hummel, Richardville, Vear, Mortimer and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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,"

by amending sections 9 and 14 (MCL 28.429 and 28.434), section 9 as amended by 1996 PA 169 and section 14 as amended by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) A person within the state who owns or comes
2 into possession of a pistol shall ~~, if he or she resides in a~~
3 ~~city, township, or village having an organized police~~

1 ~~department,~~ present the pistol for safety inspection to ~~the~~
2 ~~commissioner or chief of police of the city, township, or village~~
3 ~~police department or to a duly authorized deputy of the commis-~~
4 ~~sioner or chief of police. If that person resides in a part of~~
5 ~~the county not included within a city, township, or village~~
6 ~~having an organized police department, he or she shall present~~
7 ~~the pistol for safety inspection to the sheriff of the county or~~
8 ~~to a duly authorized deputy of the sheriff.~~ 1 OF THE FOLLOWING:

9 (A) IF HE OR SHE RESIDES IN A CITY, VILLAGE, OR TOWNSHIP
10 THAT HAS A POLICE DEPARTMENT, TO THAT POLICE DEPARTMENT.

11 (B) IF HE OR SHE RESIDES IN A CITY, VILLAGE, OR TOWNSHIP
12 THAT DOES NOT HAVE A POLICE DEPARTMENT, TO THE COUNTY SHERIFF
13 DEPARTMENT.

14 (2) If the person presenting the pistol is eligible to pos-
15 sess a pistol under ~~section 2(1)~~ THIS ACT, a certificate of
16 inspection shall be issued in triplicate on a form provided by
17 the director of the department of state police. ~~, containing~~
18 THE CERTIFICATE OF INSPECTION SHALL CONTAIN the name, age,
19 address, description, and signature of the person presenting the
20 pistol for inspection, together with a full description of the
21 pistol. The original of the certificate shall be delivered to
22 the registrant. The duplicate of the certificate shall be mailed
23 within 48 hours to the director of the department of state police
24 and filed and indexed by the department and kept as a permanent
25 official record. The triplicate of the certificate shall be
26 retained and filed in the office of ~~the sheriff, commissioner,~~

1 ~~or chief of police~~ THAT POLICE DEPARTMENT OR COUNTY SHERIFF
2 DEPARTMENT.

3 (3) IF A PERSON PRESENTS A PISTOL FOR A SAFETY INSPECTION
4 UNDER SUBSECTION (1) AND THE POLICE DEPARTMENT OR COUNTY
5 SHERIFF'S DEPARTMENT DETERMINES THAT THE PERSON IS NOT LICENSED
6 UNDER SECTION 2 OR 5B, THE POLICE DEPARTMENT OR COUNTY SHERIFF'S
7 DEPARTMENT MAY SEIZE THE PISTOL PENDING THE PERSON'S RECEIPT OF A
8 LICENSE BUT SHALL NOT SUBMIT THE PISTOL FOR DISPOSAL UNDER
9 SECTION 14 UNTIL THE EXPIRATION OF 30 DAYS AFTER THE PISTOL IS
10 SEIZED. REGARDLESS OF WHETHER THE PISTOL IS SEIZED, THE PERSON
11 MAY OBTAIN A LICENSE FOR THE PISTOL DURING THE 30-DAY PERIOD AND
12 HAVE THE PISTOL INSPECTED UNDER THIS SECTION AS PROVIDED BY LAW.
13 THIS 30-DAY PERIOD DOES NOT PROHIBIT THE POLICE DEPARTMENT OR
14 COUNTY SHERIFF'S DEPARTMENT FROM IMMEDIATELY DISPOSING OF THE
15 PISTOL IF THAT DEPARTMENT DETERMINES THAT THE PISTOL IS OTHERWISE
16 CARRIED OR POSSESSED IN VIOLATION OF THIS ACT OR FROM IMMEDIATELY
17 RETURNING THE PISTOL TO A PERSON FROM WHOM IT WAS STOLEN. IF THE
18 PERSON PRESENTS A LICENSE FOR THE PISTOL WITHIN THE 30-DAY
19 PERIOD, THE POLICE DEPARTMENT OR SHERIFF'S DEPARTMENT SHALL
20 PROMPTLY INSPECT THE PISTOL AND RETURN IT TO THE PERSON AS PRO-
21 VIDED BY LAW. THIS SUBSECTION DOES NOT AUTHORIZE THE PERSON TO
22 POSSESS THE PISTOL DURING THE 30-DAY PERIOD FOR ANY PURPOSE OTHER
23 THAN FOR STORING THE FIREARM PENDING ISSUANCE OF A LICENSE AND
24 SUBSEQUENT INSPECTION UNDER THIS SECTION. THE PERSON IS NOT
25 SUBJECT TO ARREST OR PROSECUTION FOR A VIOLATION OF SECTION 2 OR
26 SECTION 5B SOLELY FOR PRESENTING THE PISTOL FOR INSPECTION UNDER
27 THIS SECTION.

1 (4) This section does not apply to a wholesale or retail
2 dealer in firearms who regularly engages in the business of sell-
3 ing pistols at retail, or to a person who holds a collection of
4 pistols kept solely for the purpose of display as relics, curios,
5 or antiques, and that are not made for modern ammunition or are
6 permanently deactivated.

7 (5) ~~(2)~~ A person who presents a pistol for a safety
8 inspection under subsection (1) shall ensure that the pistol is
9 unloaded and that the pistol is equipped with a trigger lock or
10 other disabling mechanism or encased when the pistol is presented
11 for inspection. A person who violates this subsection is respon-
12 sible for a state civil infraction and may be ordered to pay a
13 civil fine of not more than \$50.00.

14 Sec. 14. (1) Subject to ~~section 5g~~ SECTIONS 5G AND 9, all
15 pistols, weapons, or devices carried or possessed contrary to
16 this act are declared forfeited to the state, and shall be turned
17 over to the director of the department of state police or his or
18 her designated representative, for disposal under this section.

19 (2) The director of the department of state police shall
20 dispose of firearms under this section by 1 of the following
21 methods:

22 (a) By conducting a public auction in which firearms
23 received under this section may be purchased at a sale conducted
24 in compliance with section 4708 of the revised judicature act of
25 1961, 1961 PA 236, MCL 600.4708, by individuals authorized by law
26 to possess those firearms.

1 (b) By destroying them.

2 (c) By any other lawful manner prescribed by the director of
3 the department of state police.

4 (3) Before disposing of a firearm under this section, the
5 director of the department of state police shall do both of the
6 following:

7 (a) Determine through the law enforcement information net-
8 work whether the firearm has been reported lost or stolen. If
9 the firearm has been reported lost or stolen and the name and
10 address of the owner can be determined, the director of the
11 department of state police shall provide 30 days' written notice
12 of his or her intent to dispose of the firearm under this section
13 to the owner, and allow the owner to claim the firearm within
14 that 30-day period if he or she is authorized to possess the
15 firearm.

16 (b) Provide 30 days' notice to the public on the department
17 of state police website of his or her intent to dispose of the
18 firearm under this section. The notice shall include a descrip-
19 tion of the firearm and shall state the firearm's serial number,
20 if the serial number can be determined. The department of state
21 police shall allow the owner of the firearm to claim the firearm
22 within that 30-day period if he or she is authorized to possess
23 the firearm. The 30-day period required under this subdivision
24 is in addition to the 30-day period required under
25 subdivision (a).

1 (4) The department of state police is immune from civil
2 liability for disposing of a firearm in compliance with this
3 section.