

HOUSE BILL No. 6139

May 5, 2010, Introduced by Reps. Knollenberg, Rick Jones, LeBlanc, Sheltroun, Espinoza, Lori and Meltzer and referred to the Committee on Judiciary.

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 section 14 (MCL 28.434), as amended by 2000 PA 381, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) Subject to ~~section~~ **SECTIONS 5g AND 14A**, all
2 pistols, weapons, or devices carried or possessed contrary to this
3 act are declared forfeited to the state, and shall be turned over

1 to the director of the department of state police or his or her
2 designated representative, for disposal under this section.

3 (2) The director of the department of state police shall
4 dispose of firearms under this section by 1 of the following
5 methods:

6 (a) By conducting a public auction in which firearms received
7 under this section may be purchased at a sale conducted in
8 compliance with section 4708 of the revised judicature act of 1961,
9 1961 PA 236, MCL 600.4708, by individuals authorized by law to
10 possess those firearms.

11 (b) By destroying them.

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

14 (3) Before disposing of a firearm under this section, the
15 director of the department of state police shall do both of the
16 following:

17 (a) Determine through the law enforcement information network
18 whether the firearm has been reported lost or stolen. If the
19 firearm has been reported lost or stolen and the name and address
20 of the owner can be determined, the director of the department of
21 state police shall provide 30 days' written notice of his or her
22 intent to dispose of the firearm under this section to the owner,
23 and allow the owner to claim the firearm within that 30-day period
24 if he or she is authorized to possess the firearm.

25 (b) Provide 30 days' notice to the public on the department of
26 state police website of his or her intent to dispose of the firearm
27 under this section. The notice shall include a description of the

1 firearm and shall state the firearm's serial number, if the serial
2 number can be determined. The department of state police shall
3 allow the owner of the firearm to claim the firearm within that 30-
4 day period if he or she is authorized to possess the firearm. The
5 30-day period required under this subdivision is in addition to the
6 30-day period required under subdivision (a).

7 (4) The department of state police is immune from civil
8 liability for disposing of a firearm in compliance with this
9 section.

10 **SEC. 14A. A LAW ENFORCEMENT AGENCY THAT SEIZES OR OTHERWISE**
11 **COMES INTO POSSESSION OF A FIREARM OR A PART OF A FIREARM SUBJECT**
12 **TO DISPOSAL UNDER SECTION 14 MAY, INSTEAD OF FORWARDING THE FIREARM**
13 **OR PART OF A FIREARM TO THE DIRECTOR OF THE DEPARTMENT OF STATE**
14 **POLICE OR HIS OR HER DESIGNATED REPRESENTATIVE FOR DISPOSAL UNDER**
15 **THAT SECTION, DISPOSE OF THAT FIREARM OR PART OF A FIREARM BY**
16 **CONDUCTING A PUBLIC AUCTION IN WHICH FIREARMS MAY BE PURCHASED AT A**
17 **SALE CONDUCTED IN COMPLIANCE WITH SECTION 4708 OF THE REVISED**
18 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4708, BY INDIVIDUALS**
19 **AUTHORIZED BY LAW TO POSSESS THOSE FIREARMS. THE PROCEEDS FROM ANY**
20 **SALE UNDER THIS SECTION SHALL BE USED BY THE LAW ENFORCEMENT AGENCY**
21 **ONLY FOR LAW ENFORCEMENT PURPOSES.**