



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 225 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Mike Shirkey
Committee: Judiciary

CONTENT

The bill would amend the handgun licensure law to revise a provision dealing with the transfer of ownership of a pistol by inheritance.

Section 2 of the licensure law generally prohibits a person from purchasing, carrying, possessing, or transporting a pistol in Michigan without first obtaining a license for the pistol, and outlines the requirements and procedures for licensure. Section 2 states that it does not prevent the transfer of ownership of a pistol that is inherited if the license to purchase is approved by the commissioner or chief of police, sheriff, or authorized deputy, and signed by the personal representative of the estate or by the next of kin having authority to dispose of the pistol. The bill would delete those provisions.

The bill specifies that Section 2 would not prevent the transfer of ownership of pistols to an heir or devisee, whether by testamentary bequest or by the laws of intestacy, regardless of whether the pistol was registered with the State. An individual who inherited a pistol would have to obtain a license within 30 days of taking physical possession of the pistol. If the heir or devisee were not qualified for a license under Section 2, he or she could direct the decedent's next of kin or person authorized to dispose of the estate's property to dispose of the pistol in any manner that was lawful and the heir or devisee considered appropriate. The person authorized to dispose of property would not have to obtain a license if he or she took temporary lawful possession of the pistol in the process of disposing of it pursuant to the decedent's testamentary bequest or the laws of intestacy.

A law enforcement agency could not seize or confiscate a pistol being transferred by testamentary bequest or the laws of intestacy unless the heir or devisee did not qualify for obtaining a license and the next of kin or person authorized to dispose of estate property was unable to retain his or her temporary possession of the pistol or find alternative lawful storage. If a law enforcement agency seized or confiscated a pistol, the heir or devisee would retain ownership interest in the pistol and, within 30 days of being notified of the seizure or confiscation, could file with a court to direct the agency to lawfully transfer or otherwise dispose of the pistol. A pistol seized under this provision could not be destroyed, sold, or used while in possession of the seizing entity until 30 days had passed since the heir or devisee was notified of the seizure and no legal action regarding the lawful possession or ownership of the pistol was filed in any court and was pending.

MCL 28.422

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-30-15

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Bill Analysis @ www.senate.michigan.gov/sfa

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