



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 225 (Substitute S-2 as reported)  
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 requirements for approval and a signature.

Under the bill, a person who inherited a pistol would have to obtain a license as required by Section 2. The license could be signed by the next of kin or the person authorized to dispose of the pistol under the Estates and Protected Individuals Code, including the next of kin if he or she were the person inheriting the pistol. If an heir or devisee were not qualified for a license, he or she could direct the next of kin or person authorized to dispose of the pistol to dispose of it in any lawful manner the heir or devisee considered appropriate.

A law enforcement agency could not seize or confiscate a pistol being transferred through inheritance unless the heir or devisee did not qualify for a license and the next of kin or person authorized to dispose of the pistol was unable to retain temporary possession or find alternative lawful storage for it. If an agency did seize or confiscate a pistol, the heir or devisee who was not qualified for a license would retain title to the pistol and, within one year after the seizure or confiscation, could direct the agency to lawfully transfer or otherwise dispose of the pistol. If the heir or devisee did not do so, the agency would have to dispose of it in a manner appropriate under Michigan law. An agency could not sell, use, destroy, or transfer an inherited pistol in a manner contrary to the heir's or devisee's direction or interest if the heir or devisee were under 21 years of age or if any legal action regarding ownership of the pistol had been filed and were pending.

MCL 28.422

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Date Completed: 6-18-15

Fiscal Analyst: Bruce Baker  
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