

HOUSE BILL No. 5369

December 13, 2017, Introduced by Reps. Wittenberg, Hoadley, Chang, Rabhi, Pagan, Gay-Dagnogo, Hammoud, Lasinski, LaGrand, Ellison, Moss, Byrd and Garrett 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, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 2, 2a, 2b, 12, and 14a (MCL 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
2 shall not purchase, carry, possess, or transport a ~~pistol~~**FIREARM**
3 in this state without first having obtained a license for the
4 ~~pistol~~**FIREARM** as prescribed in this section.

5 (2) A ~~person~~**AN INDIVIDUAL** who brings a ~~pistol~~**FIREARM** into
6 this state who is on leave from active duty with the armed forces
7 of the United States or who has been discharged from active duty
8 with the armed forces of the United States shall obtain a license
9 for the ~~pistol~~**FIREARM** within 30 days after his or her arrival in
10 this state.

11 (3) The commissioner or chief of police of a city, township,
12 or village police department that issues licenses to purchase,
13 carry, possess, or transport ~~pistols~~**FIREARMS**, or his or her duly
14 authorized deputy, or the sheriff or his or her duly authorized
15 deputy, in the parts of a county not included within a city,
16 township, or village having an organized police department, in
17 discharging the duty to issue licenses shall with due speed and
18 diligence issue licenses to purchase, carry, possess, or transport
19 ~~pistols~~**FIREARMS** to qualified applicants unless he or she has
20 probable cause to believe that the applicant would be a threat to
21 himself or herself or to other individuals, or would commit an
22 offense with the ~~pistol~~**FIREARM** that would violate a law of this or
23 another state or of the United States. An applicant is qualified if
24 all of the following circumstances exist:

25 (a) The ~~person~~**INDIVIDUAL** is not subject to an order or
26 disposition for which he or she has received notice and an

1 opportunity for a hearing, and which was entered into the law
2 enforcement information network under any of the following:

3 (i) Section 464a of the mental health code, 1974 PA 258, MCL
4 330.1464a.

5 (ii) Section 5107 of the estates and protected individuals
6 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
7 642.

8 (iii) Section 2950 of the revised judicature act of 1961, 1961
9 PA 236, MCL 600.2950.

10 (iv) Section 2950a of the revised judicature act of 1961, 1961
11 PA 236, MCL 600.2950a.

12 (v) Section 14 of 1846 RS 84, MCL 552.14.

13 (vi) Section 6b of chapter V of the code of criminal
14 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
15 imposed under section 6b(3) of chapter V of the code of criminal
16 procedure, 1927 PA 175, MCL 765.6b.

17 (vii) Section 16b of chapter IX of the code of criminal
18 procedure, 1927 PA 175, MCL 769.16b.

19 (b) The ~~person~~**INDIVIDUAL** is 18 years of age or older or, if
20 the **FIREARM IS A PISTOL AND THE** seller is licensed under 18 USC
21 923, is 21 years of age or older.

22 (c) The ~~person~~**INDIVIDUAL** is a citizen of the United States or
23 an alien lawfully admitted into the United States and is a legal
24 resident of this state. For the purposes of this section, ~~a person~~
25 **AN INDIVIDUAL** is considered a legal resident of this state if any
26 of the following apply:

27 (i) The ~~person~~**INDIVIDUAL** has a valid, lawfully obtained

1 Michigan driver license issued under the Michigan vehicle code,
2 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
3 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

4 (ii) The ~~person~~-**INDIVIDUAL** is lawfully registered to vote in
5 this state.

6 (iii) The ~~person~~-**INDIVIDUAL** is on active duty status with the
7 United States ~~armed forces~~-**ARMED FORCES** and is stationed outside of
8 this state, but the ~~person's~~-**INDIVIDUAL'S** home of record is in this
9 state.

10 (iv) The ~~person~~-**INDIVIDUAL** is on active duty status with the
11 United States ~~armed forces~~-**ARMED FORCES** and is permanently
12 stationed in this state, but the ~~person's~~-**INDIVIDUAL'S** home of
13 record is in another state.

14 (d) A felony charge or a criminal charge listed in section 5b
15 against the ~~person~~-**INDIVIDUAL** is not pending at the time of
16 application.

17 (e) The ~~person~~-**INDIVIDUAL** is not prohibited from possessing,
18 using, transporting, selling, purchasing, carrying, shipping,
19 receiving, or distributing a firearm under section 224f of the
20 Michigan penal code, 1931 PA 328, MCL 750.224f.

21 (f) The ~~person~~-**INDIVIDUAL** has not been adjudged insane in this
22 state or elsewhere unless he or she has been adjudged restored to
23 sanity by court order.

24 (g) The ~~person~~-**INDIVIDUAL** is not under an order of involuntary
25 commitment in an inpatient or outpatient setting due to mental
26 illness.

27 (h) The ~~person~~-**INDIVIDUAL** has not been adjudged legally

1 incapacitated in this state or elsewhere. This subdivision does not
2 apply to ~~a person~~ **AN INDIVIDUAL** who has had his or her legal
3 capacity restored by order of the court.

4 (4) ~~Applications~~ **AN APPLICANT** for ~~licenses~~ **A LICENSE** under
5 this section shall ~~be signed by the applicant~~ **SIGN THE APPLICATION**
6 under oath ~~upon forms~~ **ON A FORM** provided by the director of the
7 department of state police. ~~Licenses~~ **A LICENSING AUTHORITY SHALL**
8 **ISSUE A LICENSE** to purchase, carry, possess, or transport ~~pistols~~
9 ~~shall be executed~~ **FIREARMS** in triplicate ~~upon forms~~ **ON A FORM**
10 provided by the director of the department of state police. ~~and~~
11 ~~shall be signed by the~~ **THE** licensing authority **SHALL SIGN ANY**
12 **LICENSE ISSUED UNDER THIS SECTION.** ~~Three~~ **THE LICENSING AUTHORITY**
13 **SHALL DELIVER 3** copies of the license ~~shall be delivered to the~~
14 applicant. ~~by the licensing authority.~~ A license is void unless
15 used within 30 days after the date it is issued.

16 (5) If an individual purchases or otherwise acquires a ~~pistol,~~
17 **FIREARM**, the seller shall fill out the license forms describing the
18 ~~pistol,~~ **FIREARM**, together with the date of sale or acquisition, and
19 sign his or her name in ink indicating that the ~~pistol~~ **FIREARM** was
20 sold to or otherwise acquired by the purchaser. The purchaser shall
21 also sign his or her name in ink indicating the purchase or other
22 acquisition of the ~~pistol~~ **FIREARM** from the seller. The seller may
23 retain a copy of the license as a record of the transaction. The
24 purchaser shall receive 2 copies of the license. ~~The~~ **IF THE FIREARM**
25 **IS A PISTOL, THE** purchaser shall return 1 copy of the license to
26 the licensing authority within 10 days after the date the pistol is
27 purchased or acquired. The **PURCHASER SHALL** return ~~of~~ the copy to

1 the licensing authority ~~may be made in person or may be made by~~
2 first-class mail or certified mail sent within the 10-day period to
3 the proper address of the licensing authority. A purchaser who
4 fails to comply with the requirements of this subsection is
5 responsible for a state civil infraction and may be fined not more
6 than \$250.00. If a purchaser is found responsible for a state civil
7 infraction under this subsection, the court shall notify the
8 department of state police of that determination.

9 (6) Within 10 days after receiving the license copy **FOR A**
10 **PISTOL** returned under subsection (5), the licensing authority shall
11 electronically enter the information into the pistol entry database
12 as required by the department of state police if it has the ability
13 to electronically enter that information. If the licensing
14 authority does not have that ability, the licensing authority shall
15 provide that information to the department of state police in a
16 manner otherwise required by the department of state police. Any
17 licensing authority that provided pistol descriptions to the
18 department of state police under former section 9 of this act shall
19 continue to provide pistol descriptions to the department of state
20 police under this subsection. Within 48 hours after entering or
21 otherwise providing the information on the license copy returned
22 under subsection (5) to the department of state police, the
23 licensing authority shall forward the copy of the license to the
24 department of state police. The purchaser ~~has the right to~~ **MAY**
25 obtain a copy of the information placed in the pistol entry
26 database under this subsection to verify the accuracy of that
27 information. The licensing authority may charge a fee not to exceed

1 \$1.00 for the cost of providing the copy. The licensee may carry,
2 use, possess, and transport the pistol for 30 days beginning on the
3 date of purchase or acquisition only while he or she is in
4 possession of his or her copy of the license. However, the person
5 is not required to have the license in his or her possession while
6 carrying, using, possessing, or transporting the pistol after this
7 period.

8 (7) This section does not apply to the purchase of ~~pistols~~
9 **FIREARMS** from wholesalers by dealers regularly engaged in the
10 business of selling ~~pistols~~**FIREARMS** at retail, or to the sale,
11 barter, or exchange of ~~pistols~~**FIREARMS** kept as relics or curios
12 not made for modern ammunition or permanently deactivated.

13 (8) This section does not prevent the transfer of ownership of
14 pistols to an heir or devisee, whether by testamentary bequest or
15 by the laws of intestacy regardless of whether the pistol is
16 registered with this state. An individual who has inherited a
17 ~~pistol~~**FIREARM** shall obtain a license as required in this section
18 within 30 days of taking physical possession of the ~~pistol~~.
19 **FIREARM**. The license may be signed by a next of kin of the decedent
20 or the person authorized to dispose of property under the estates
21 and protected individuals code, 1998 PA 386, MCL 700.1101 to
22 700.8206, including when the next of kin is the individual
23 inheriting the ~~pistol~~**FIREARM**. If the heir or devisee is not
24 qualified for a license under this section, the heir or devisee may
25 direct the next of kin or person authorized to dispose of property
26 under the estates and protected individuals code, 1998 PA 386, MCL
27 700.1101 to 700.8206, to dispose of the ~~pistol~~**FIREARM** in any

1 manner that is lawful and the heir or devisee considers
2 appropriate. The person authorized to dispose of property under the
3 estates and protected individuals code, 1998 PA 386, MCL 700.1101
4 to 700.8206, is not required to obtain a license under this section
5 if he or she takes temporary lawful possession of the ~~pistol~~
6 **FIREARM** in the process of disposing of the ~~pistol~~**FIREARM** pursuant
7 to the decedent's testamentary bequest or the laws of intestacy. A
8 law enforcement agency may not seize or confiscate a ~~pistol~~**FIREARM**
9 being transferred by testamentary bequest or the laws of intestacy
10 unless the heir or devisee does not qualify for obtaining a license
11 under this section and the next of kin or person authorized to
12 dispose of property under the estates and protected individuals
13 code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable to retain
14 his or her temporary possession of the ~~pistol~~**FIREARM** or find
15 alternative lawful storage. If a law enforcement agency seizes or
16 confiscates a ~~pistol~~**FIREARM** under this subsection, the heir or
17 devisee who is not qualified to obtain a license under this section
18 retains ownership interest in the ~~pistol~~**FIREARM** and, within 30
19 days of being notified of the seizure or confiscation, may file
20 with a court of competent jurisdiction to direct the law
21 enforcement agency to lawfully transfer or otherwise dispose of the
22 ~~pistol~~**FIREARM**. A ~~pistol~~**FIREARM** seized under this subsection
23 ~~shall~~**MUST** not be destroyed, sold, or used while in possession of
24 the seizing entity or its agents until 30 days have passed since
25 the heir or devisee has been notified of the seizure and no legal
26 action regarding the lawful possession or ownership of the seized
27 ~~pistol~~**FIREARM** has been filed in any court and is pending. As used

1 in this subsection:

2 (a) "Devisee" means that term as defined in section 1103 of
3 the estates and protected individuals code, 1998 PA 386, MCL
4 700.1103.

5 (b) "Heir" means that term as defined in section 1104 of the
6 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

7 (9) An individual who is not a resident of this state is not
8 required to obtain a license under this section if all of the
9 following conditions apply:

10 (a) The individual is licensed in his or her state of
11 residence to purchase, carry, or transport a ~~pistol~~-**FIREARM**.

12 (b) The individual is in possession of the license described
13 in subdivision (a).

14 (c) The individual is the owner of the ~~pistol~~-**FIREARM** he or
15 she possesses, carries, or transports.

16 (d) The individual possesses the ~~pistol~~-**FIREARM** for a lawful
17 purpose.

18 (e) The individual is in this state for a period of 180 days
19 or less and does not intend to establish residency in this state.

20 (10) An individual who is a nonresident of this state shall
21 present the license described in subsection (9)(a) upon the demand
22 of a police officer. An individual who violates this subsection is
23 guilty of a misdemeanor punishable by imprisonment for not more
24 than 90 days or a fine of not more than \$100.00, or both.

25 (11) The licensing authority may require ~~a person~~-**AN**
26 **INDIVIDUAL** claiming active duty status with the United States ~~armed~~
27 ~~forces~~-**ARMED FORCES** to provide proof of 1 or both of the following:

1 (a) The ~~person's~~ **INDIVIDUAL'S** home of record.

2 (b) Permanent active duty assignment in this state.

3 (12) This section does not apply to a ~~person~~ **AN INDIVIDUAL** who
 4 is younger than the age required under subsection (3) (b) and who
 5 possesses a ~~pistol~~ **FIREARM** if ~~all~~ **1** of the following conditions
 6 ~~apply~~ **APPLIES**:

7 (a) The ~~person~~ **INDIVIDUAL** is not otherwise prohibited from
 8 possessing that ~~pistol~~ **FIREARM AND ALL OF THE FOLLOWING APPLY**:

9 (i) ~~(b)~~ The ~~person~~ **INDIVIDUAL** is at a recognized target range.

10 (ii) ~~(c)~~ The ~~person~~ **INDIVIDUAL** possesses the ~~pistol~~ **FIREARM**
 11 for the purpose of target practice or instruction in the safe use
 12 of a ~~pistol~~ **FIREARM**.

13 (iii) ~~(d)~~ The ~~person~~ **INDIVIDUAL** is in the physical presence
 14 and under the direct supervision of any of the following:

15 (A) ~~(i)~~ The ~~person's~~ **INDIVIDUAL'S** parent.

16 (B) ~~(ii)~~ The ~~person's~~ **INDIVIDUAL'S** guardian.

17 (C) ~~(iii)~~ An individual who is 21 years of age or older, who
 18 is authorized by the ~~person's~~ **INDIVIDUAL'S** parent or guardian, and
 19 who has successfully completed a pistol safety training course or
 20 class that meets the requirements of section 5j(1) (a), (b), or (d),
 21 and received a certificate of completion.

22 (iv) ~~(e)~~ The owner of the ~~pistol~~ **FIREARM** is physically
 23 present.

24 (B) **THE INDIVIDUAL IS NOT OTHERWISE PROHIBITED FROM POSSESSING**
 25 **THAT FIREARM AND THE INDIVIDUAL POSSESSES THE FIREARM FOR THE**
 26 **PURPOSE OF HUNTING.**

27 (13) This section does not apply to a ~~person~~ **AN INDIVIDUAL** who

1 possesses a ~~pistol~~-**FIREARM** if all of the following conditions
2 apply:

3 (a) The ~~person~~-**INDIVIDUAL** is not otherwise prohibited from
4 possessing a ~~pistol~~-**FIREARM**.

5 (b) The ~~person~~-**INDIVIDUAL** is at a recognized target range or
6 shooting facility.

7 (c) The ~~person~~-**INDIVIDUAL** possesses the ~~pistol~~-**FIREARM** for the
8 purpose of target practice or instruction in the safe use of a
9 ~~pistol~~-**FIREARM**.

10 (d) The owner of the ~~pistol~~-**FIREARM** is physically present and
11 supervising the use of the ~~pistol~~-**FIREARM**.

12 (14) A person who forges any matter on an application for a
13 license under this section is guilty of a felony, punishable by
14 imprisonment for not more than 4 years or a fine of not more than
15 \$2,000.00, or both.

16 (15) A licensing authority shall implement this section during
17 all of the licensing authority's normal business hours and shall
18 set hours for implementation that allow an applicant to use the
19 license within the time period set forth in subsection (4).

20 Sec. 2a. (1) The following individuals are not required to
21 obtain a license under section 2 to purchase, carry, possess, use,
22 or transport a ~~pistol~~-**FIREARM**:

23 (a) An individual licensed under section 5b, except for an
24 individual who has an emergency license issued under section 5a(4)
25 or a receipt serving as a concealed pistol license under section
26 5b(9) or 5/(3).

27 (b) A federally licensed firearms dealer.

1 (c) An individual who purchases a ~~pistol~~**FIREARM** from a
2 federally licensed firearms dealer in compliance with 18 USC
3 922(t).

4 (d) An individual currently employed as a police officer who
5 is licensed or certified under the Michigan commission on law
6 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

7 **(E) AN INDIVIDUAL PURCHASING A FIREARM OTHER THAN A PISTOL WHO**
8 **HAS A FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PERFORMED**
9 **ON HIM OR HER BY A FEDERALLY LICENSED FIREARMS DEALER NOT MORE THAN**
10 **30 DAYS BEFORE THE PURCHASE.**

11 (2) If an individual described in subsection (1) purchases or
12 otherwise acquires a ~~pistol~~**FIREARM**, the seller shall complete a
13 record in triplicate on a form provided by the department of state
14 police ~~. The record shall include~~**THAT INCLUDES** the purchaser's
15 concealed weapon license number, the number of the purchaser's
16 license or certificate issued under the Michigan commission on law
17 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or,
18 if the purchaser is a federally licensed firearms dealer, his or
19 her dealer license number. If the purchaser is not licensed under
20 section 5b or does not have a license or certificate issued under
21 the Michigan commission on law enforcement standards act, 1965 PA
22 203, MCL 28.601 to 28.615, and is not a federally licensed firearms
23 dealer, the record ~~shall~~**MUST** include the dealer license number of
24 the federally licensed firearms dealer who is selling the ~~pistol~~.
25 **FIREARM OR THE DEALER LICENSE NUMBER OF THE FEDERALLY LICENSED**
26 **FIREARMS DEALER THAT PERFORMED THE FEDERAL NATIONAL INSTANT**
27 **CRIMINAL BACKGROUND CHECK.** The purchaser shall sign the record. The

1 seller may retain 1 copy of the record. The purchaser shall receive
2 2 copies of the record and, **IF THE FIREARM IS A PISTOL**, forward 1
3 copy to the police department of the city, village, or township in
4 which the purchaser resides, or, if the purchaser does not reside
5 in a city, village, or township having a police department, to the
6 county sheriff, within 10 days following the purchase or
7 acquisition. The **PURCHASER SHALL** return ~~of~~ the copy to the police
8 department or county sheriff ~~may be made in person or may be made~~
9 by first-class mail or certified mail sent within the 10-day period
10 to the proper address of the police department or county sheriff. A
11 purchaser who fails to comply with the requirements of this
12 subsection is responsible for a state civil infraction and may be
13 fined not more than \$250.00. If a purchaser is found responsible
14 for a state civil infraction under this subsection, the court shall
15 notify the department of state police. If the purchaser is licensed
16 under section 5b, the court shall notify the licensing authority of
17 that determination.

18 (3) Within 10 days after receiving the record copy **FOR A**
19 **PISTOL** returned under subsection (2), the police department or
20 county sheriff shall electronically enter the information into the
21 pistol entry database as required by the department of state police
22 if it has the ability to electronically enter that information. If
23 the police department or county sheriff does not have that ability,
24 the police department or county sheriff shall provide that
25 information to the department of state police in a manner otherwise
26 required by the department of state police. Any police department
27 or county sheriff that provided pistol descriptions to the

1 department of state police under former section 9 of this act shall
2 continue to provide pistol descriptions to the department of state
3 police under this subsection. Within 48 hours after entering or
4 otherwise providing the information on the record copy returned
5 under subsection (2) to the department of state police, the police
6 department or county sheriff shall forward the copy of the record
7 to the department of state police. The purchaser ~~has the right to~~
8 **MAY** obtain a copy of the information placed in the pistol entry
9 database under this subsection to verify the accuracy of that
10 information. The police department or county sheriff may charge a
11 fee not to exceed \$1.00 for the cost of providing the copy. The
12 purchaser may carry, use, possess, and transport the pistol for 30
13 days beginning on the date of purchase or acquisition only while he
14 or she is in possession of his or her copy of the record. However,
15 the ~~person~~**INDIVIDUAL** is not required to have the record in his or
16 her possession while carrying, using, possessing, or transporting
17 the pistol after this period.

18 (4) This section does not apply to a person or entity exempt
19 under section 2(7).

20 (5) An individual who makes a material false statement on a
21 sales record under this section is guilty of a felony punishable by
22 imprisonment for not more than 4 years or a fine of not more than
23 \$2,500.00, or both.

24 (6) The department of state police may promulgate rules to
25 implement this section.

26 (7) The Michigan commission on law enforcement standards shall
27 provide license or certificate information, as applicable, to the

1 department of state police to verify the requirements of this
2 section.

3 (8) As used in this section:

4 (a) "Federally licensed firearms dealer" means a person
5 licensed to sell firearms under 18 USC 923.

6 (b) "Person" means an individual, partnership, corporation,
7 association, or other legal entity.

8 Sec. 2b. (1) Except as provided in subsection (5), upon entry
9 of an order or disposition into the law enforcement information
10 network under any provision of law described in section 2(3)(a),
11 the department of state police shall immediately send written
12 notice of that entry to the ~~person~~**INDIVIDUAL** who is the subject of
13 the order or disposition. The notice shall be sent by first-class
14 mail to the last known address of the ~~person~~**INDIVIDUAL**. The
15 notice shall include at least all of the following:

16 (a) The name of the ~~person~~**INDIVIDUAL**.

17 (b) The date the order or disposition was entered into the law
18 enforcement information network.

19 (c) A statement that the ~~person~~**INDIVIDUAL** cannot obtain a
20 license to purchase a ~~pistol~~**FIREARM** or obtain a concealed weapon
21 license until the order or disposition is removed from the law
22 enforcement information network.

23 (d) A statement that the ~~person~~**INDIVIDUAL** may request that
24 the state police correct or expunge inaccurate information entered
25 into the law enforcement information network.

26 (2) ~~A person~~**AN INDIVIDUAL** who is the subject of an order
27 entered into the law enforcement information network under any

1 provision of law described in section 2(3)(a) may request that the
2 department of state police do either of the following:

3 (a) Amend an inaccuracy in the information entered into the
4 law enforcement information network under any provision of law
5 described in section 2(3)(a).

6 (b) Expunge the ~~person's~~**INDIVIDUAL'S** name and other
7 information concerning the ~~person~~**INDIVIDUAL** from the law
8 enforcement information network regarding 1 or more specific
9 entries in the law enforcement information network under any
10 provision of law described in section 2(3)(a) because 1 or more of
11 the following circumstances exist:

12 (i) The ~~person~~**INDIVIDUAL** is not subject to an order of
13 involuntary commitment in an inpatient or outpatient setting due to
14 mental illness.

15 (ii) The ~~person~~**INDIVIDUAL** is not subject to an order or
16 disposition determining that the ~~person~~**INDIVIDUAL** is legally
17 incapacitated.

18 (iii) The ~~person~~**INDIVIDUAL** is not subject to a personal
19 protection order issued under any of the following:

20 (A) Section 2950 of the revised judicature act of 1961, 1961
21 PA 236, MCL 600.2950.

22 (B) Section 2950a of the revised judicature act of 1961, 1961
23 PA 236, MCL 600.2950a.

24 (C) Section 14 of 1846 RS 84, MCL 552.14.

25 (iv) The ~~person~~**INDIVIDUAL** is not subject to an order for
26 release subject to protective conditions that prohibits the
27 purchase or possession of a firearm by the ~~person~~**INDIVIDUAL** issued

1 under section 6b of chapter V of the code of criminal procedure,
2 1927 PA 175, MCL 765.6b.

3 (3) Before the expiration of 30 days after a request is made
4 to amend an inaccuracy in the law enforcement information network
5 under subsection (2)(a) or to expunge 1 or more specific entries
6 from the law enforcement information network under subsection
7 (2)(b)(i) to (iv), the department of state police shall conduct an
8 investigation concerning the accuracy of the information contained
9 in the law enforcement information network, either grant or deny
10 the request and provide the person with written notice of that
11 grant or denial. A notice of denial ~~shall~~**MUST** include a statement
12 specifying the basis of the denial, and that a person may appeal
13 the denial pursuant to the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328.

15 (4) If the department of state police refuses a request by a
16 ~~person~~**AN INDIVIDUAL** for amendment or expunction under subsection
17 (2), or fails to act within 30 days after receiving the request
18 under subsection (2), the ~~person~~**INDIVIDUAL** may request a hearing
19 before a hearing officer appointed by the department of state
20 police for a determination of whether information entered into the
21 law enforcement information network should be amended or expunged
22 because it is inaccurate or false. The department of state police
23 shall conduct the hearing pursuant to the administrative procedures
24 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

25 (5) The department of state police shall not send written
26 notice of an entry of an order or disposition into the law
27 enforcement information network as required for a personal

1 protection order issued under section 2950 or 2950a of the revised
2 judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,
3 until that department has received notice that the respondent of
4 the order has been served with or has received notice of the
5 personal protection order.

6 Sec. 12. (1) Section 2 does not apply to any of the following:

7 (a) A police or correctional agency of the United States or of
8 this state or any subdivision of this state.

9 (b) The United States ~~army, air force, navy, or marine~~
10 ~~corps.~~ **ARMY, AIR FORCE, NAVY, OR MARINE CORPS.**

11 (c) An organization authorized by law to purchase or receive
12 weapons from the United States or from this state.

13 (d) The ~~national guard,~~ **NATIONAL GUARD**, armed forces reserves,
14 or other duly authorized military organization.

15 (e) A member of an entity or organization described in
16 subdivisions (a) through (d) for a ~~pistol~~ **FIREARM** while engaged in
17 the course of his or her duties with that entity or while going to
18 or returning from those duties.

19 (f) A United States citizen holding a license to carry a
20 pistol concealed upon his or her person issued by another state.

21 (g) The regular and ordinary possession and transportation of
22 a ~~pistol~~ **FIREARM** as merchandise by an authorized agent of a person
23 licensed to manufacture firearms or a licensed dealer.

24 (h) Purchasing, owning, carrying, possessing, using, or
25 transporting an antique firearm. As used in this subdivision,
26 "antique firearm" means that term as defined in section 231a of the
27 Michigan penal code, 1931 PA 328, MCL 750.231a.

1 (i) An individual carrying, possessing, using, or transporting
2 a pistol belonging to another individual, if the other individual's
3 possession of the pistol is authorized by law and the individual
4 carrying, possessing, using, or transporting the pistol has
5 obtained a license under section 5b to carry a concealed pistol or
6 is exempt from licensure as provided in section 12a.

7 (2) The amendatory act that added subsection (1)(h) shall be
8 known and may be cited as the "Janet Kukuk act".

9 Sec. 14a. (1) A law enforcement agency that seizes or
10 otherwise comes into possession of a firearm or a part of a firearm
11 subject to disposal under section 14 may, instead of forwarding the
12 firearm or part of a firearm to the director of the department of
13 state police or his or her designated representative for disposal
14 under that section, retain that firearm or part of a firearm for
15 the following purposes:

16 (a) For legal sale or trade to a federally licensed firearm
17 dealer. The **LAW ENFORCEMENT AGENCY SHALL ONLY USE THE** proceeds from
18 any sale or trade under this subdivision ~~shall be used by the law~~
19 ~~enforcement agency only~~ for law enforcement purposes. The law
20 enforcement agency shall not sell or trade a firearm or part of a
21 firearm under this subdivision to any individual who is a member of
22 that law enforcement agency unless the individual is a federally
23 licensed firearms dealer and the sale is made pursuant to a public
24 auction.

25 (b) For official use by members of the seizing law enforcement
26 agency who are employed as peace officers. ~~A-**THE LAW ENFORCEMENT**~~
27 **AGENCY SHALL NOT SELL A** firearm or part of a firearm ~~shall not be~~

1 ~~sold~~ under this subdivision.

2 (2) A law enforcement agency that sells or trades any ~~pistol~~
3 **FIREARM** to a licensed dealer under subsection (1)(a) or retains any
4 ~~pistol~~**FIREARM** under subsection (1)(b) shall complete a record of
5 the transaction under section 2 or section 2a, as applicable.

6 (3) A law enforcement agency that sells or trades a firearm or
7 part of a firearm under this section shall retain a receipt of the
8 sale or trade for ~~a period of~~ not less than 7 years. The law
9 enforcement agency shall make all receipts retained under this
10 subsection available for inspection by the department of state
11 police upon demand and for auditing purposes by the state and the
12 local unit of government of which the agency is a part.

13 (4) Before disposing of a firearm under this section, the law
14 enforcement agency shall do both of the following:

15 (a) Determine through the law enforcement information network
16 whether the firearm has been reported lost or stolen. If the
17 firearm has been reported lost or stolen and the name and address
18 of the owner can be determined, the law enforcement agency shall
19 provide 30 days' written notice of its intent to dispose of the
20 firearm under this section to the owner, and allow the owner to
21 claim the firearm within that 30-day period if he or she is
22 authorized to possess the firearm. If the police agency determines
23 that a serial number has been altered or has been removed or
24 obliterated from the firearm, the police agency shall submit the
25 firearm to the department of state police or a forensic laboratory
26 for serial number verification or restoration to determine legal
27 ownership.

1 (b) Provide 30 days' notice to the public on a website
2 maintained by the law enforcement agency of its intent to dispose
3 of the firearm under this section. The notice ~~shall~~**MUST** include a
4 description of the firearm and shall state the firearm's serial
5 number, if the serial number can be determined. The law enforcement
6 agency shall allow the owner of the firearm to claim the firearm
7 within that 30-day period if he or she is authorized to possess the
8 firearm. The 30-day period required under this subdivision is in
9 addition to the 30-day period required under subdivision (a).

10 (5) The law enforcement agency is immune from civil liability
11 for disposing of a firearm in compliance with this section.

12 (6) As used in this section, "law enforcement agency" means
13 any agency that employs peace officers.