



Senate Fiscal Agency
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Senate Bill 1086 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Dayna Polehanki
Committee: Civil Rights, Judiciary, and Public Safety (discharged)

Date Completed: 1-10-25

CONTENT

The bill would amend the handgun licensure Act to do the following:

- **Require the Department of State Police (MSP) to establish and maintain temporary and indefinite do-not-sell lists to which individuals could add their own names.**
- **Prescribe the application process for an individual to submit the individual's name to and remove the individual's name from the do-not-sell lists.**
- **Require the MSP to make applications available to health professionals free of charge.**
- **Prescribe a felony punishable by a maximum of five years' imprisonment or a fine of up to \$1,000, or both, for an individual who added another individual's name to a do-not-sell list.**

MSP Duties

Within one year of the bill's effective date, the MSP would have to establish a temporary do-not-sell list and indefinite do-not-sell list for firearms and develop an application for an individual to include or remove that individual's name from a do-not-sell list.

The MSP would have to make the application available free of charge to health professionals. Health professionals would be encouraged but would not be required to discuss the do-not-sell lists with their patients if the health professional reasonably believed that a discussion would avoid an imminent danger to the health or safety of the individual or any other individual.

"Health professional" would mean an individual licensed, registered, certified, or otherwise authorized to engage in a health profession under Article 15 (Occupations) of the Public Health Code.

Temporary Do-Not-Sell List

An individual could add that individual's name to the temporary do-not-sell list or indefinite do-not-sell list by doing any of the following:

- Applying to the county clerk where the individual resided and presenting the individual's identification.
- Applying to the law enforcement agency within whose jurisdiction the restrained individual resided and presenting the individual's identification.

"Identification" would mean a valid, lawfully obtained State driver's license, a valid official State Personal Identification Card, or a valid enhanced State driver license or valid enhanced

An individual's name that had been added to the temporary do-not-sell list would be automatically removed 180 days after being added to the list. An individual whose name was on the temporary do-not-sell list could request that the individual's name be removed from the list by applying to the county clerk or law enforcement agency described above.

Indefinite Do-Not-Sell List

An individual's name that had been added to the indefinite do-not-sell list would have to remain on the list until the individual requested that it was removed or a court order that it be removed. An individual whose name was on the indefinite do-not-sell list could have that individual's name removed from the list by submitting a petition to the circuit court of the county in which the individual requesting removal resided within 90 days after adding the individual's name to the list. The court would have to hold a hearing and determine, by a preponderance of evidence, whether the individual requesting to be removed from the list was doing so voluntarily, knowingly, and intelligently within five business days after receiving a petition. Within three days of the hearing, the court would have to issue an order granting or denying the request. If the court determined that the request was voluntary, knowing, and intelligent, the court would have to immediately provide the MSP with its determination and the MSP would have to immediately remove the individual from the list.

If the court determined that the request was not voluntary, knowing, and intelligent and denied the request, the individual could request removal of the individual's name from the list by doing any of the following no earlier than 90 days after adding the individual's name to the list:

- Applying to the county clerk where the individual resided and presenting the individual's identification.
- Applying to the law enforcement agency within whose jurisdiction the restrained individual resides and presenting the individual's identification.

Background Check Information

Within 24 hours after an individual's name was added to the temporary do-not-sell list or indefinite do-not-sell list, the MSP would have to enter that information into the National Instant Criminal Background Check System and any other Federal or State computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms.

Within 24 after an individual's name was removed from the temporary do-not-sell list or indefinite do-not-sell list, the department shall remove that information from the National Instant Criminal Background Check System and any other Federal or State computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms.

Fines

An individual who added another individual's name to the temporary do-not-sell list or indefinite do-not-sell list would be guilty of a felony punishable by a maximum of five years' imprisonment or a fine of up to \$1,000, or both.

MCL 28.421 et al.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill could have a fiscal impact on the MSP, requiring some computer programming costs in an amount not able to be determined at this time. Additional clerical and administrative costs

could also be incurred by local and State law enforcement agencies, county clerks, and circuit courts under the bill's requirements. The bill would likely have a small negative fiscal impact on local governments in the form of additional administrative costs for processing applications.

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