

HOUSE BILL NO. 6221

June 14, 2022, Introduced by Reps. Neeley, Aiyash, Ellison, Brabec, Brenda Carter, Kuppa, Pohutsky, Lasinski, Morse, Cavanagh, Young, Camilleri, Weiss, Cynthia Johnson, O'Neal, Sowerby, Thanedar, Tyrone Carter, Scott, Hood, Rabhi, Tate, Peterson, Liberati, Manoogian and Pepper and referred to the Committee on Military, Veterans and Homeland Security.

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 section 14a (MCL 28.434a), as added by 2010 PA 295.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14a. (1) A law enforcement agency that seizes or
2 otherwise comes into possession of a firearm or a part of a firearm
3 subject to disposal under section 14 may, instead of forwarding the
4 firearm or part of a firearm to the director of the department of
5 state police or his or her designated representative for disposal
6 under that section, ~~retain~~ **do either of the following with** that
7 firearm or part of a firearm: ~~for the following purposes:~~

8 (a) ~~For legal sale or trade to a federally licensed firearm~~
9 ~~dealer. The proceeds from any sale or trade under this subdivision~~
10 ~~shall be used by the law enforcement agency only for law~~
11 ~~enforcement purposes. The law enforcement agency shall not sell or~~
12 ~~trade a firearm or part of a firearm under this subdivision to any~~
13 ~~individual who is a member of that law enforcement agency unless~~
14 ~~the individual is a federally licensed firearms dealer and the sale~~
15 ~~is made pursuant to a public auction.~~ **Destroy the firearm or part of**
16 **a firearm.**

17 (b) ~~For~~ **Retain the firearm or part of a firearm for** official
18 use by members of the seizing law enforcement agency who are
19 employed as peace officers. A firearm or part of a firearm ~~shall~~
20 **must** not be sold under this subdivision.

21 (2) A law enforcement agency that ~~sells or trades any pistol~~
22 ~~to a licensed dealer under subsection (1)(a) or retains any pistol~~
23 under subsection (1)(b) shall complete a record of the transaction
24 under section 2 or section 2a, as applicable.

25 ~~(3) A law enforcement agency that sells or trades a firearm or~~
26 ~~part of a firearm under this section shall retain a receipt of the~~

1 ~~sale or trade for a period of not less than 7 years. The law~~
 2 ~~enforcement agency shall make all receipts retained under this~~
 3 ~~subsection available for inspection by the department of state~~
 4 ~~police upon demand and for auditing purposes by the state and the~~
 5 ~~local unit of government of which the agency is a part.~~

6 (3) ~~(4)~~ Before disposing of a firearm under this section, the
 7 law enforcement agency shall do both of the following:

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

21 (b) Provide 30 days' notice to the public on a website
 22 maintained by the law enforcement agency of its intent to dispose
 23 of the firearm under this section. The notice ~~shall~~**must** include a
 24 description of the firearm and ~~shall~~ state the firearm's serial
 25 number, if the serial number can be determined. The law enforcement
 26 agency shall allow the owner of the firearm to claim the firearm
 27 within that 30-day period if he or she is authorized to possess the
 28 firearm. The 30-day period required under this subdivision is in
 29 addition to the 30-day period required under subdivision (a).

1 **(4)** ~~(5)~~—The law enforcement agency is immune from civil
2 liability for disposing of a firearm in compliance with this
3 section.

4 **(5)** ~~(6)~~—As used in this section, "law enforcement agency"
5 means any agency that employs peace officers.