
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 988 (Substitute S-4 as reported without amendment)
Sponsor: Senator Robert Geake
Committee: Hunting, Fishing and Forestry

CONTENT

The bill would amend the governmental immunity Act to add that a law enforcement agency that seized a firearm would be civilly liable to each person who possessed an ownership interest in the firearm for negligently or intentionally losing, damaging, or defacing the firearm. The amount of damages that could be recovered would be limited to the fair market value of the firearm. The bill would take effect January 1, 1999.

Under the handgun licensure Act, all pistols, weapons or devices carried or possessed contrary to the Act are declared forfeited to the State, and must be turned over to the Michigan State Police Commissioner or his or her designated representative, for such disposition as the Commissioner may prescribe.

The governmental immunity Act provides that all governmental agencies are immune from tort liability in cases in which the governmental agency is engaged in the exercise or discharge of a governmental function.

Proposed MCL 691.1407a

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have a fiscal impact on State and local law enforcement agencies that cannot be determined at this time. It is not known how many law enforcement agencies, if any, would negligently or intentionally lose or damage a seized firearm for which they would be fiscally liable.

Date Completed: 5-14-98

Fiscal Analyst: B. Baker