

Senate Fiscal Agency  
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**SFA**

BILL ANALYSIS

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Senate Bill 988 (Substitute S-4)  
Sponsor: Senator Robert Geake  
Committee: Hunting, Fishing and Forestry

Date Completed: 4-15-98

### **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. Currently, the Act requires a license from local or county law enforcement officials to purchase, carry, or transport a pistol. A person is qualified for a license if the Law Enforcement Information Network has not recorded involuntary mental health treatment orders, legal incapacitation findings, domestic abuse and stalking restraining orders, bail release conditions, or findings of not guilty by reason of insanity; the person is 18 years of age or older; a felony charge is not pending; and the person correctly answered 70% or more on a basic pistol safety review questionnaire.

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.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.