

# HOUSE BILL NO. 4869

May 18, 2021, Introduced by Reps. Brabec, Anthony, Bolden, Aiyash, Stone, Sowerby, Clemente, Rogers, Hood, Ellison, Brenda Carter, Cavanagh, Brixie, Weiss, Steckloff, Kuppa, Breen, Morse, Puri, Pohutsky, Tyrone Carter, Cynthia Johnson, Manoogian, Tate, Rabhi and Yancey 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 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 **Armed Forces** of the United States or who has been discharged from  
8 active duty with the ~~armed forces~~-**Armed Forces** of the United States  
9 shall obtain a license for the ~~pistol~~-**firearm** within 30 days after  
10 his or her arrival in 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

1 offense with the ~~pistol~~-**firearm** that would violate a law of this or  
2 another state or of the United States. An applicant is qualified if  
3 all of the following circumstances exist:

4 (a) The ~~person~~-**individual** is not subject to an order or  
5 disposition for which he or she has received notice and an  
6 opportunity for a hearing, and which was entered into the law  
7 enforcement information network under any of the following:

8 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
9 330.1464a.

10 (ii) Section 5107 of the estates and protected individuals  
11 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
12 642.

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

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

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

18 (vi) Section 6b of chapter V of the code of criminal procedure,  
19 1927 PA 175, MCL 765.6b, if the order has a condition imposed under  
20 section 6b(3) of chapter V of the code of criminal procedure, 1927  
21 PA 175, MCL 765.6b.

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

24 (b) The ~~person~~-**individual** is 18 years of age or older or, if  
25 the **firearm is a pistol and the** seller is licensed under 18 USC  
26 923, is 21 years of age or older.

27 (c) The ~~person~~-**individual** is a citizen of the United States or  
28 an alien lawfully admitted into the United States and is a legal  
29 resident of this state. For the purposes of this section, a ~~person~~

1 **an individual** is considered a legal resident of this state if any  
2 of the following apply:

3 (i) The ~~person~~**individual** has a valid, lawfully obtained  
4 Michigan driver license issued under the Michigan vehicle code,  
5 1949 PA 300, MCL 257.1 to 257.923, or an official state personal  
6 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

7 (ii) The ~~person~~**individual** is lawfully registered to vote in  
8 this state.

9 (iii) The ~~person~~**individual** is on active duty status with the  
10 United States ~~armed forces~~**Armed Forces** and is stationed outside of  
11 this state, but the ~~person's~~**individual's** home of record is in this  
12 state.

13 (iv) The ~~person~~**individual** is on active duty status with the  
14 United States ~~armed forces~~**Armed Forces** and is permanently  
15 stationed in this state, but the ~~person's~~**individual's** home of  
16 record is in another state.

17 (d) A felony charge or a criminal charge listed in section 5b  
18 against the ~~person~~**individual** is not pending at the time of  
19 application.

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

24 (f) The ~~person~~**individual** has not been adjudged insane in this  
25 state or elsewhere unless he or she has been adjudged restored to  
26 sanity by court order.

27 (g) The ~~person~~**individual** is not under an order of involuntary  
28 commitment in an inpatient or outpatient setting due to mental  
29 illness.

1           (h) The ~~person~~**individual** has not been adjudged legally  
 2 incapacitated in this state or elsewhere. This subdivision does not  
 3 apply to a ~~person~~**an individual** who has had his or her legal  
 4 capacity restored by order of the court.

5           (4) ~~Applications~~**An applicant** for ~~licenses~~**a license** under  
 6 this section shall ~~be signed by the applicant~~**sign the application**  
 7 under oath ~~upon forms~~**on a form** provided by the director of the  
 8 department of state police. ~~Licenses~~**A licensing authority shall**  
 9 **issue a license** to purchase, carry, possess, or transport ~~pistols~~  
 10 ~~shall be executed~~**firearms** in triplicate ~~upon forms~~**on a form**  
 11 provided by the director of the department of state police. ~~and~~  
 12 ~~shall be signed by the~~**The licensing authority shall sign any**  
 13 **license issued under this section.** ~~Three~~**The licensing authority**  
 14 **shall deliver 3** copies of the license ~~shall be delivered to the~~  
 15 applicant. ~~by the licensing authority.~~ A license is void unless  
 16 used within 30 days after the date it is issued.

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

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

8 (6) Within 10 days after receiving the license copy **for a**  
9 **pistol** returned under subsection (5), the licensing authority shall  
10 electronically enter the information into the pistol entry database  
11 as required by the department of state police if it has the ability  
12 to electronically enter that information. If the licensing  
13 authority does not have that ability, the licensing authority shall  
14 provide that information to the department of state police in a  
15 manner otherwise required by the department of state police. Any  
16 licensing authority that provided pistol descriptions to the  
17 department of state police under former section 9 of this act shall  
18 continue to provide pistol descriptions to the department of state  
19 police under this subsection. Within 48 hours after entering or  
20 otherwise providing the information on the license copy returned  
21 under subsection (5) to the department of state police, the  
22 licensing authority shall forward the copy of the license to the  
23 department of state police. The purchaser ~~has the right to~~ **may**  
24 obtain a copy of the information placed in the pistol entry  
25 database under this subsection to verify the accuracy of that  
26 information. The licensing authority may charge a fee not to exceed  
27 \$1.00 for the cost of providing the copy. The licensee may carry,  
28 use, possess, and transport the pistol for 30 days beginning on the  
29 date of purchase or acquisition only while he or she is in

1 possession of his or her copy of the license. However, the ~~person~~  
2 **individual** is not required to have the license in his or her  
3 possession while carrying, using, possessing, or transporting the  
4 pistol after this period.

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

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

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

24 (a) "Devisee" means that term as defined in section 1103 of  
25 the estates and protected individuals code, 1998 PA 386, MCL  
26 700.1103.

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

29 (9) An individual who is not a resident of this state is not



1 required to obtain a license under this section if all of the  
2 following conditions apply:

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

5 (b) The individual is in possession of the license described  
6 in subdivision (a).

7 (c) The individual is the owner of the ~~pistol~~-**firearm** he or  
8 she possesses, carries, or transports.

9 (d) The individual possesses the ~~pistol~~-**firearm** for a lawful  
10 purpose.

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

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

18 (11) The licensing authority may require ~~a person an~~  
19 **individual** claiming active duty status with the United States ~~armed~~  
20 ~~forces~~-**Armed Forces** to provide proof of 1 or both of the following:

21 (a) The ~~person's~~-**individual's** home of record.

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

23 (12) This section does not apply to ~~a person an~~ **individual** who  
24 is younger than the age required under subsection (3) (b) and who  
25 possesses a ~~pistol~~-**firearm** if ~~all~~-**1** of the following conditions  
26 ~~apply~~-**applies**:

27 (a) The ~~person~~-**individual** is not otherwise prohibited from  
28 possessing that ~~pistol~~-**firearm and all of the following apply**:

29 (i) ~~(b)~~-The ~~person~~-**individual** is at a recognized target range.

1           (ii) ~~(e)~~The ~~person~~**individual** possesses the ~~pistol~~**firearm** for  
2 the purpose of target practice or instruction in the safe use of a  
3 ~~pistol~~**firearm**.

4           (iii) ~~(d)~~The ~~person~~**individual** is in the physical presence and  
5 under the direct supervision of any of the following:

6           (A) ~~(i)~~The ~~person's~~**individual's** parent.

7           (B) ~~(ii)~~The ~~person's~~**individual's** guardian.

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

13           (iv) ~~(e)~~The owner of the ~~pistol~~**firearm** is physically present.

14           (b) **The individual is not otherwise prohibited from possessing**  
15 **that firearm and the individual possesses the firearm for the**  
16 **purpose of hunting.**

17           (13) This section does not apply to ~~a person~~**an individual** who  
18 possesses a ~~pistol~~**firearm** if all of the following conditions  
19 apply:

20           (a) The ~~person~~**individual** is not otherwise prohibited from  
21 possessing a ~~pistol~~**firearm**.

22           (b) The ~~person~~**individual** is at a recognized target range or  
23 shooting facility.

24           (c) The ~~person~~**individual** possesses the ~~pistol~~**firearm** for the  
25 purpose of target practice or instruction in the safe use of a  
26 ~~pistol~~**firearm**.

27           (d) The owner of the ~~pistol~~**firearm** is physically present and  
28 supervising the use of the ~~pistol~~**firearm**.

29           (14) A person who forges any matter on an application for a

1 license under this section is guilty of a felony, punishable by  
2 imprisonment for not more than 4 years or a fine of not more than  
3 \$2,000.00, or both.

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

8 Sec. 2a. (1) The following individuals are not required to  
9 obtain a license under section 2 to purchase, carry, possess, use,  
10 or transport a ~~pistol~~:**firearm**:

11 (a) An individual licensed under section 5b, except for an  
12 individual who has an emergency license issued under section 5a(4)  
13 or a receipt serving as a concealed pistol license under section  
14 5b(9) or 5l(3).

15 (b) A federally licensed firearms dealer.

16 (c) An individual who purchases a ~~pistol~~**firearm** from a  
17 federally licensed firearms dealer in compliance with 18 USC  
18 922(t).

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

22 **(e) An individual purchasing a firearm other than a pistol who**  
23 **has a federal national instant criminal background check performed**  
24 **on him or her by a federally licensed firearms dealer not more than**  
25 **5 days before the purchase.**

26 (2) If an individual described in subsection (1) purchases or  
27 otherwise acquires a ~~pistol~~,**firearm**, the seller shall complete a  
28 record in triplicate on a form provided by the department of state  
29 police ~~. The record shall include that includes~~ the purchaser's

1 concealed weapon license number, the number of the purchaser's  
2 license or certificate issued under the Michigan commission on law  
3 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or,  
4 if the purchaser is a federally licensed firearms dealer, his or  
5 her dealer license number. If the purchaser is not licensed under  
6 section 5b or does not have a license or certificate issued under  
7 the Michigan commission on law enforcement standards act, 1965 PA  
8 203, MCL 28.601 to 28.615, and is not a federally licensed firearms  
9 dealer, the record ~~shall~~**must** include the dealer license number of  
10 the federally licensed firearms dealer who is selling the ~~pistol~~.  
11 **firearm or the dealer license number of the federally licensed**  
12 **firearms dealer that performed the federal national instant**  
13 **criminal background check.** The purchaser shall sign the record. The  
14 seller may retain 1 copy of the record. The purchaser shall receive  
15 2 copies of the record and, **if the firearm is a pistol**, forward 1  
16 copy to the police department of the city, village, or township in  
17 which the purchaser resides, or, if the purchaser does not reside  
18 in a city, village, or township having a police department, to the  
19 county sheriff, within 10 days following the purchase or  
20 acquisition. The **purchaser shall** return ~~of~~ the copy to the police  
21 department or county sheriff ~~may be made~~ in person or ~~may be made~~  
22 by first-class mail or certified mail sent within the 10-day period  
23 to the proper address of the police department or county sheriff. A  
24 purchaser who fails to comply with the requirements of this  
25 subsection is responsible for a state civil infraction and may be  
26 fined not more than \$250.00. If a purchaser is found responsible  
27 for a state civil infraction under this subsection, the court shall  
28 notify the department of state police. If the purchaser is licensed  
29 under section 5b, the court shall notify the licensing authority of

1 that determination.

2 (3) Within 10 days after receiving the record copy **for a**  
3 **pistol** returned under subsection (2), the police department or  
4 county sheriff shall electronically enter the information into the  
5 pistol entry database as required by the department of state police  
6 if it has the ability to electronically enter that information. If  
7 the police department or county sheriff does not have that ability,  
8 the police department or county sheriff shall provide that  
9 information to the department of state police in a manner otherwise  
10 required by the department of state police. Any police department  
11 or county sheriff that provided pistol descriptions to the  
12 department of state police under former section 9 of this act shall  
13 continue to provide pistol descriptions to the department of state  
14 police under this subsection. Within 48 hours after entering or  
15 otherwise providing the information on the record copy returned  
16 under subsection (2) to the department of state police, the police  
17 department or county sheriff shall forward the copy of the record  
18 to the department of state police. The purchaser ~~has the right to~~  
19 **may** obtain a copy of the information placed in the pistol entry  
20 database under this subsection to verify the accuracy of that  
21 information. The police department or county sheriff may charge a  
22 fee not to exceed \$1.00 for the cost of providing the copy. The  
23 purchaser may carry, use, possess, and transport the pistol for 30  
24 days beginning on the date of purchase or acquisition only while he  
25 or she is in possession of his or her copy of the record. However,  
26 the ~~person~~**individual** is not required to have the record in his or  
27 her possession while carrying, using, possessing, or transporting  
28 the pistol after this period.

29 (4) This section does not apply to a person or entity exempt

1 under section 2(7).

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

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

8 (7) The Michigan commission on law enforcement standards shall  
9 provide license or certificate information, as applicable, to the  
10 department of state police to verify the requirements of this  
11 section.

12 (8) As used in this section:

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

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

17 Sec. 2b. (1) Except as provided in subsection (5), upon entry  
18 of an order or disposition into the law enforcement information  
19 network under any provision of law described in section 2(3)(a),  
20 the department of state police shall immediately send written  
21 notice of that entry to the ~~person~~**individual** who is the subject of  
22 the order or disposition. The notice ~~shall~~**must** be sent by first-  
23 class mail to the last known address of the ~~person~~**individual**. The  
24 notice ~~shall~~**must** include at least all of the following:

25 (a) The name of the ~~person~~**individual**.

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

28 (c) A statement that the ~~person~~**individual** cannot obtain a  
29 license to purchase a ~~pistol~~**firearm** or obtain a concealed weapon

1 license until the order or disposition is removed from the law  
2 enforcement information network.

3 (d) A statement that the ~~person~~**individual** may request that  
4 the state police correct or expunge inaccurate information entered  
5 into the law enforcement information network.

6 (2) ~~A person~~**An individual** who is the subject of an order  
7 entered into the law enforcement information network under any  
8 provision of law described in section 2(3)(a) may request that the  
9 department of state police do either of the following:

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

13 (b) Expunge the ~~person's~~**individual's** name and other  
14 information concerning the ~~person~~**individual** from the law  
15 enforcement information network regarding 1 or more specific  
16 entries in the law enforcement information network under any  
17 provision of law described in section 2(3)(a) because 1 or more of  
18 the following circumstances exist:

19 (i) The ~~person~~**individual** is not subject to an order of  
20 involuntary commitment in an inpatient or outpatient setting due to  
21 mental illness.

22 (ii) The ~~person~~**individual** is not subject to an order or  
23 disposition determining that the ~~person~~**individual** is legally  
24 incapacitated.

25 (iii) The ~~person~~**individual** is not subject to a personal  
26 protection order issued under any of the following:

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

29 (B) Section 2950a of the revised judicature act of 1961, 1961

1 PA 236, MCL 600.2950a.

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

3 (iv) The ~~person~~**individual** is not subject to an order for  
4 release subject to protective conditions that prohibits the  
5 purchase or possession of a firearm by the ~~person~~**individual** issued  
6 under section 6b of chapter V of the code of criminal procedure,  
7 1927 PA 175, MCL 765.6b.

8 (3) Before the expiration of 30 days after a request is made  
9 to amend an inaccuracy in the law enforcement information network  
10 under subsection (2)(a) or to expunge 1 or more specific entries  
11 from the law enforcement information network under subsection  
12 (2)(b)(i) to (iv), the department of state police shall conduct an  
13 investigation concerning the accuracy of the information contained  
14 in the law enforcement information network, either grant or deny  
15 the request and provide the person with written notice of that  
16 grant or denial. A notice of denial ~~shall~~**must** include a statement  
17 specifying the basis of the denial, and that a person may appeal  
18 the denial pursuant to the administrative procedures act of 1969,  
19 1969 PA 306, MCL 24.201 to 24.328.

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



1           (5) The department of state police shall not send written  
2 notice of an entry of an order or disposition into the law  
3 enforcement information network as required for a personal  
4 protection order issued under section 2950 or 2950a of the revised  
5 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,  
6 until that department has received notice that the respondent of  
7 the order has been served with or has received notice of the  
8 personal protection order.

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

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

12           (b) The United States ~~army, air force, navy, or marine~~  
13 ~~corps.~~ **Army, Air Force, Navy, or Marine Corps.**

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

16           (d) The ~~national guard, armed forces reserves,~~ **National Guard,**  
17 **United States Armed Forces Reserves,** or other duly authorized  
18 military organization.

19           (e) A member of an entity or organization described in  
20 subdivisions (a) through (d) for a ~~pistol~~ **firearm** while engaged in  
21 the course of his or her duties with that entity or while going to  
22 or returning from those duties.

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

25           (g) The regular and ordinary possession and transportation of  
26 a ~~pistol~~ **firearm** as merchandise by an authorized agent of a person  
27 licensed to manufacture firearms or a licensed dealer.

28           (h) Purchasing, owning, carrying, possessing, using, or  
29 transporting an antique firearm. As used in this subdivision,

1 "antique firearm" means that term as defined in section 231a of the  
2 Michigan penal code, 1931 PA 328, MCL 750.231a.

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

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

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

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

27 (b) For official use by members of the seizing law enforcement  
28 agency who are employed as peace officers. ~~A~~**The law enforcement**  
29 **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.

28 (b) Provide 30 days' notice to the public on a website  
29 maintained by the law enforcement agency of its intent to dispose

1 of the firearm under this section. The notice ~~shall~~**must** include a  
2 description of the firearm and ~~shall~~ state the firearm's serial  
3 number, if the serial number can be determined. The law enforcement  
4 agency shall allow the owner of the firearm to claim the firearm  
5 within that 30-day period if he or she is authorized to possess the  
6 firearm. The 30-day period required under this subdivision is in  
7 addition to the 30-day period required under subdivision (a).

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

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