

SENATE BILL NO. 76

February 16, 2023, Introduced by Senators HERTEL, BAYER, CAVANAGH, SINGH, MCMORROW, SHINK, MCCANN, IRWIN, WOJNO, POLEHANKI, CHANG, MOSS, GEISS, CAMILLERI, KLINEFELT, MCDONALD RIVET, CHERRY, SANTANA, BRINKS and ANTHONY and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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~~-**the individual arrives** 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~~-**the**
 14 **commissioner's or chief's** duly authorized deputy, or the sheriff or
 15 ~~his or her~~-**the sheriff's** duly authorized deputy, in the parts of a
 16 county not included within a city, township, or village having an
 17 organized police department, in discharging the duty to issue
 18 licenses shall with due speed and diligence issue licenses to
 19 purchase, carry, possess, or transport ~~pistols~~-**firearms** to
 20 qualified applicants unless ~~he or she~~-**the individual** has probable
 21 cause to believe that the applicant would be a threat to ~~himself or~~
 22 ~~herself~~-**the applicant** 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~~-**the individual** has received notice
6 and an opportunity for a hearing, and which was entered into the
7 law 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 **Armed Forces of the** United States ~~armed forces~~ and is stationed
11 outside of this state, but the ~~person's~~**individual's** home of record
12 is in this state.

13 (iv) The ~~person~~**individual** is on active duty status with the
14 **Armed Forces of the** United States ~~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~~**the individual** has been
26 adjudged restored to 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~~**the**
 4 **individual's** legal 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~~**the seller's** name in ink indicating that the ~~pistol~~
 21 **firearm** was sold to or otherwise acquired by the purchaser. The
 22 purchaser shall also sign ~~his or her~~**the purchaser's** name in ink
 23 indicating the purchase or other acquisition of the ~~pistol~~**firearm**
 24 from the seller. The seller may retain a copy of the license as a
 25 record of the transaction. The purchaser ~~shall~~**must** receive 2
 26 copies of the license. ~~The~~**If the firearm is a pistol, the**
 27 purchaser shall return 1 copy of the license to the licensing
 28 authority within 10 days after the date the pistol is purchased or
 29 acquired. The **purchaser shall** return ~~of~~ the copy to the licensing

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

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

1 date of purchase or acquisition only while ~~he or she~~ **the licensee**
2 is in possession of ~~his or her~~ **a** copy of the license. However, the
3 ~~person~~ **licensee** is not required to have the license in ~~his or her~~
4 **the licensee's** possession while carrying, using, possessing, or
5 transporting the pistol after this period.

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

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

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

26 (a) "Devisee" means that term as defined in section 1103 of
27 the estates and protected individuals code, 1998 PA 386, MCL
28 700.1103.

29 (b) "Heir" means that term as defined in section 1104 of the

1 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

2 (9) An individual who is not a resident of this state is not
3 required to obtain a license under this section if all of the
4 following conditions apply:

5 (a) The individual is licensed in ~~his or her~~ **the individual's**
6 state of residence to purchase, carry, or transport a
7 ~~pistol~~ **firearm**.

8 (b) The individual is in possession of the license described
9 in subdivision (a).

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

12 (d) The individual possesses the ~~pistol~~ **firearm** for a lawful
13 purpose.

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

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

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

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

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

27 (12) This section does not apply to ~~a person~~ **an individual** who
28 is younger than the age required under subsection (3) (b) and who
29 possesses a ~~pistol~~ **firearm** if ~~all~~ **1** of the following conditions

1 ~~apply~~**applies:**

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

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

5 (ii) ~~(c)~~The ~~person~~**individual** possesses the ~~pistol~~**firearm** for
6 the purpose of target practice or instruction in the safe use of a
7 ~~pistol~~**firearm.**

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

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

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

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

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

18 (b) **The individual is not otherwise prohibited from possessing**
19 **that firearm and the individual possesses the firearm for the**
20 **purpose of hunting.**

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

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

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

28 (c) The ~~person~~**individual** possesses the ~~pistol~~**firearm** for the
29 purpose of target practice or instruction in the safe use of a

1 ~~pistol~~.**firearm.**

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

4 (14) A person who forges any matter on an application for a
5 license under this section is guilty of a felony ~~r~~-punishable by
6 imprisonment for not more than 4 years or a fine of not more than
7 \$2,000.00, or both.

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

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

15 (a) An individual licensed under section 5b, except for an
16 individual who has an emergency license issued under section 5a(4)
17 or a receipt serving as a concealed pistol license under section
18 5b(9) or 5l(3).

19 (b) A federally licensed firearms dealer.

20 ~~(c) An individual who purchases a pistol from a federally
21 licensed firearms dealer in compliance with 18 USC 922(t).~~

22 **(c) ~~(d)~~**An individual currently employed as a police officer
23 who is licensed or certified under the Michigan commission on law
24 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

25 **(d) An individual purchasing a firearm other than a pistol who
26 has a federal national instant criminal background check performed
27 on the individual by a federally licensed firearms dealer not more
28 than 5 days before the purchase.**

29 (2) If an individual described in subsection (1) purchases or

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

1 notify the department of state police. If the purchaser is licensed
 2 under section 5b, the court shall notify the licensing authority of
 3 that determination.

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

1 possession while carrying, using, possessing, or transporting the
2 pistol after this period.

3 (4) This section does not apply to a person or entity exempt
4 under section 2(7).

5 (5) An individual who makes a material false statement on a
6 sales record under this section is guilty of a felony punishable by
7 imprisonment for not more than 4 years or a fine of not more than
8 \$2,500.00, or both.

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

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

15 (8) As used in this section:

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

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

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

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

29 (b) The date the order or disposition was entered into the law

1 enforcement information network.

2 (c) A statement that the ~~person~~**individual** cannot obtain a
3 license to purchase a ~~pistol~~**firearm** or obtain a concealed weapon
4 license until the order or disposition is removed from the law
5 enforcement information network.

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

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

13 (a) Amend an inaccuracy in the information entered into the
14 law enforcement information network under any provision of law
15 described in section 2(3)(a).

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

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

25 (ii) The ~~person~~**individual** is not subject to an order or
26 disposition determining that the ~~person~~**individual** is legally
27 incapacitated.

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

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

3 (B) Section 2950a of the revised judicature act of 1961, 1961
4 PA 236, MCL 600.2950a.

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

6 (iv) The ~~person~~**individual** is not subject to an order for
7 release subject to protective conditions that prohibits the
8 purchase or possession of a firearm by the ~~person~~**individual** issued
9 under section 6b of chapter V of the code of criminal procedure,
10 1927 PA 175, MCL 765.6b.

11 (3) Before the expiration of 30 days after a request is made
12 to amend an inaccuracy in the law enforcement information network
13 under subsection (2)(a) or to expunge 1 or more specific entries
14 from the law enforcement information network under subsection
15 (2)(b)(i) to (iv), the department of state police shall conduct an
16 investigation concerning the accuracy of the information contained
17 in the law enforcement information network, either grant or deny
18 the request and provide the ~~person~~**individual** with written notice
19 of that grant or denial. ~~A notice of denial shall~~**The department of**
20 **state police shall include in a notice of denial** a statement
21 specifying the basis of the denial, and that ~~a person~~**an individual**
22 may appeal the denial ~~pursuant to~~**in accordance with** the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24 24.328.

25 (4) If the department of state police ~~refuses~~**denies** a request
26 by ~~a person~~**an individual** for amendment or expunction under
27 subsection (2), or fails to act within 30 days after receiving the
28 request under subsection (2), the ~~person~~**individual** may request a
29 hearing before a hearing officer appointed by the department of

1 state police for a determination of whether information entered
 2 into the law enforcement information network should be amended or
 3 expunged because it is inaccurate or false. The department of state
 4 police shall conduct the hearing ~~pursuant to~~ **in accordance with** the
 5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 6 24.328.

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

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

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

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

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

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

25 (e) A member of an entity or organization described in
 26 subdivisions (a) ~~through to~~ (d) for a ~~pistol~~ **firearm** while engaged
 27 in the course of ~~his or her~~ **that member's** duties with that entity
 28 or while going to or returning from those duties.

29 (f) A United States citizen holding a license to carry a

1 pistol concealed upon ~~his or her~~ **that individual's** person issued by
2 another state.

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

6 (h) Purchasing, owning, carrying, possessing, using, or
7 transporting an antique firearm. As used in this subdivision,
8 "antique firearm" means that term as defined in section 231a of the
9 Michigan penal code, 1931 PA 328, MCL 750.231a.

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

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

18 Sec. 14a. (1) A law enforcement agency that seizes or
19 otherwise comes into possession of a firearm or a part of a firearm
20 subject to disposal under section 14 may, instead of forwarding the
21 firearm or part of a firearm to the director of the department of
22 state police or ~~his or her~~ **the director's** designated representative
23 for disposal under that section, retain that firearm or part of a
24 firearm for the following purposes:

25 (a) For legal sale or trade to a federally licensed firearm
26 dealer. The **law enforcement agency shall only use the** proceeds from
27 any sale or trade under this subdivision ~~shall be used by the law~~
28 ~~enforcement agency only~~ for law enforcement purposes. The law
29 enforcement agency shall not sell or trade a firearm or part of a

1 firearm under this subdivision to any individual who is a member of
2 that law enforcement agency unless the individual is a federally
3 licensed firearms dealer and the sale is made pursuant to a public
4 auction.

5 (b) For official use by members of the seizing law enforcement
6 agency who are employed as peace officers. ~~A~~**The law enforcement**
7 **agency shall not sell a** firearm or part of a firearm ~~shall not be~~
8 ~~sold~~ under this subdivision.

9 (2) A law enforcement agency that sells or trades any ~~pistol~~
10 **firearm** to a licensed dealer under subsection (1)(a) or retains any
11 ~~pistol~~**firearm** under subsection (1)(b) shall complete a record of
12 the transaction under section 2 or section 2a, as applicable.

13 (3) A law enforcement agency that sells or trades a firearm or
14 part of a firearm under this section shall retain a receipt of the
15 sale or trade for ~~a period of~~ not less than 7 years. The law
16 enforcement agency shall make all receipts retained under this
17 subsection available for inspection by the department of state
18 police upon demand and for auditing purposes by the state and the
19 local unit of government of which the agency is a part.

20 (4) Before disposing of a firearm under this section, the law
21 enforcement agency shall do both of the following:

22 (a) Determine through the law enforcement information network
23 whether the firearm has been reported lost or stolen. If the
24 firearm has been reported lost or stolen and the name and address
25 of the owner can be determined, the law enforcement agency shall
26 provide 30 days' written notice of its intent to dispose of the
27 firearm under this section to the owner, and allow the owner to
28 claim the firearm within that 30-day period if ~~he or she~~**the owner**
29 is authorized to possess the firearm. If the police agency

1 determines that a serial number has been altered or has been
2 removed or obliterated from the firearm, the police agency shall
3 submit the firearm to the department of state police or a forensic
4 laboratory for serial number verification or restoration to
5 determine legal ownership.

6 (b) Provide 30 days' notice to the public on a website
7 maintained by the law enforcement agency of its intent to dispose
8 of the firearm under this section. The notice ~~shall~~**must** include a
9 description of the firearm and ~~shall~~ state the firearm's serial
10 number, if the serial number can be determined. The law enforcement
11 agency shall allow the owner of the firearm to claim the firearm
12 within that 30-day period if ~~he or she~~**the owner** is authorized to
13 possess the firearm. The 30-day period required under this
14 subdivision is in addition to the 30-day period required under
15 subdivision (a).

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

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