

SENATE BILL NO. 1137

November 26, 2024, Introduced by Senators POLEHANKI and SHINK 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 14 and 14a (MCL 28.434 and 28.434a), section 14 as amended by 2010 PA 295 and section 14a as amended by 2023 PA 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) Subject to sections 5g and 14a, all pistols,
2 weapons, or devices carried or possessed contrary to this act are
3 declared forfeited to ~~the~~**this** state, and ~~shall~~**must** be turned over
4 to the director of the department of state police or ~~his or her~~**the**
5 **director's** designated representative, for disposal under this
6 section.

7 (2) The director of the department of state police shall
8 dispose of firearms under this section by ~~1 of the following~~
9 ~~methods:~~

10 ~~(a) By conducting a public auction in which firearms received~~
11 ~~under this section may be purchased at a sale conducted in~~
12 ~~compliance with section 4708 of the revised judicature act of 1961,~~
13 ~~1961 PA 236, MCL 600.4708, by individuals authorized by law to~~
14 ~~possess those firearms.~~

15 ~~(b) By destroying them.~~ **The director shall ensure that all**
16 **parts of a firearm disposed of under this section are destroyed.**

17 ~~(c) By any other lawful manner prescribed by the director of~~
18 ~~the department of state police.~~

19 (3) Before disposing of a firearm under this section, the
20 director of the department of state police shall do both of the
21 following:

22 (a) Determine through the law enforcement information network
23 whether the firearm has been reported lost or stolen. If the

1 firearm has been reported lost or stolen and the name and address
 2 of the owner can be determined, the director of the department of
 3 state police shall provide 30 days' written notice of ~~his or her~~
 4 **the director's** intent to dispose of the firearm under this section
 5 to the owner, and allow the owner to claim the firearm within that
 6 30-day period if ~~he or she~~ **the owner** is authorized to possess the
 7 firearm.

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

18 (4) The department of state police is immune from civil
 19 liability for disposing of a firearm in compliance with this
 20 section.

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

28 ~~(a) For legal sale or trade to a federally licensed firearm~~
 29 ~~dealer. The law enforcement agency shall only use the proceeds from~~

~~any sale or trade under this subdivision for law enforcement purposes. The law enforcement agency shall not sell or trade a firearm or part of a firearm under this subdivision to any individual who is a member of that law enforcement agency unless the individual is a federally licensed firearms dealer and the sale is made pursuant to a public auction.~~

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

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

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

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

(a) Determine through the law enforcement information network whether the firearm has been reported lost or stolen. If the firearm has been reported lost or stolen and the name and address of the owner can be determined, the law enforcement agency shall provide 30 days' written notice of ~~its~~ **the law enforcement agency's** intent to dispose of the firearm under this section to the owner,

1 and allow the owner to claim the firearm in that 30-day period if
2 the owner is authorized to possess the firearm. If the ~~police-law~~
3 **enforcement** agency determines that a serial number has been altered
4 or has been removed or obliterated from the firearm, the ~~police-law~~
5 **enforcement** agency shall submit the firearm to the department of
6 state police or a forensic laboratory for serial number
7 verification or restoration to determine legal ownership.

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

18 **(4)** ~~(5)~~—The law enforcement agency is immune from civil
19 liability for disposing of a firearm in compliance with this
20 section.

21 **(5)** ~~(6)~~—As used in this section, "law enforcement agency"
22 means any agency that employs peace officers.