

# HOUSE BILL No. 4590

May 13, 2015, Introduced by Reps. Townsend, Sarah Roberts, Talabi, Wittenberg, Chang, Schor, Love, Moss, Zemke, Geiss, Banks, Gay-Dagnogo, Irwin, Pagan, Byrd, Greig, Cochran, Darany, Plawecki, Hoadley, Durhal, Guerra, Dillon, Yanez, Rutledge, Garrett and Singh and referred to the Committee on Judiciary.

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 2014 PA 201, section 2a as amended by 2015 PA 3, 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 who brings a ~~pistol~~**FIREARM** into this state who  
6 is on leave from active duty with the armed forces of the United  
7 States or who has been discharged from active duty with the armed  
8 forces of the United States shall obtain a license for the ~~pistol~~  
9 **FIREARM** within 30 days after his or her arrival in this state.

10           (3) The commissioner or chief of police of a city, township,  
11 or village police department that issues licenses to purchase,  
12 carry, possess, or transport ~~pistols~~**FIREARMS**, or his or her duly  
13 authorized deputy, or the sheriff or his or her duly authorized  
14 deputy, in the parts of a county not included within a city,  
15 township, or village having an organized police department, in  
16 discharging the duty to issue licenses shall with due speed and  
17 diligence issue licenses to purchase, carry, possess, or transport  
18 ~~pistols~~**FIREARMS** to qualified applicants unless he or she has  
19 probable cause to believe that the applicant would be a threat to  
20 himself or herself or to other individuals, or would commit an  
21 offense with the ~~pistol~~**FIREARM** that would violate a law of this or  
22 another state or of the United States. An applicant is qualified if  
23 all of the following circumstances exist:

24           (a) The person is not subject to an order or disposition for  
25 which he or she has received notice and an opportunity for a  
26 hearing, and which was entered into the law enforcement information  
27 network under any of the following:

1 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
2 330.1464a.

3 (ii) Section 5107 of the estates and protected individuals  
4 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
5 642.

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

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

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

11 (vi) Section 6b of chapter V of the code of criminal  
12 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
13 imposed under section 6b(3) of chapter V of the code of criminal  
14 procedure, 1927 PA 175, MCL 765.6b.

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

17 (b) The person is 18 years of age or older or, if the **FIREARM**  
18 **IS A PISTOL AND THE** seller is licensed under 18 USC 923, is 21  
19 years of age or older.

20 (c) The person is a citizen of the United States or an alien  
21 lawfully admitted into the United States and is a legal resident of  
22 this state. For the purposes of this section, a person ~~shall be~~ **IS**  
23 considered a legal resident of this state if any of the following  
24 apply:

25 (i) The person has a valid, lawfully obtained Michigan driver  
26 license issued under the Michigan vehicle code, 1949 PA 300, MCL  
27 257.1 to 257.923, or an official state personal identification card

1 issued under 1972 PA 222, MCL 28.291 to 28.300.

2 (ii) The person is lawfully registered to vote in this state.

3 (iii) The person is on active duty status with the United  
4 States armed forces and is stationed outside of this state, but the  
5 person's home of record is in this state.

6 (iv) The person is on active duty status with the United  
7 States armed forces and is permanently stationed in this state, but  
8 the person's home of record is in another state.

9 (d) A felony charge or a criminal charge listed in section 5b  
10 against the person is not pending at the time of application.

11 (e) The person is not prohibited from possessing, using,  
12 transporting, selling, purchasing, carrying, shipping, receiving,  
13 or distributing a firearm under section 224f of the Michigan penal  
14 code, 1931 PA 328, MCL 750.224f.

15 (f) The person has not been adjudged insane in this state or  
16 elsewhere unless he or she has been adjudged restored to sanity by  
17 court order.

18 (g) The person is not under an order of involuntary commitment  
19 in an inpatient or outpatient setting due to mental illness.

20 (h) The person has not been adjudged legally incapacitated in  
21 this state or elsewhere. This subdivision does not apply to a  
22 person who has had his or her legal capacity restored by order of  
23 the court.

24 (4) Applications for licenses under this section shall be  
25 signed by the applicant under oath upon forms provided by the  
26 director of the department of state police. Licenses to purchase,  
27 carry, possess, or transport ~~pistols~~**FIREARMS** shall be executed in

1 triplicate upon forms provided by the director of the department of  
2 state police and shall be signed by the licensing authority. Three  
3 copies of the license shall be delivered to the applicant by the  
4 licensing authority. A license is void unless used within 30 days  
5 after the date it is issued.

6 (5) If an individual purchases or otherwise acquires a ~~pistol,~~  
7 **FIREARM**, the seller shall fill out the license forms describing the  
8 ~~pistol,~~**FIREARM**, together with the date of sale or acquisition, and  
9 sign his or her name in ink indicating that the ~~pistol~~**FIREARM** was  
10 sold to or otherwise acquired by the purchaser. The purchaser shall  
11 also sign his or her name in ink indicating the purchase or other  
12 acquisition of the ~~pistol~~**FIREARM** from the seller. The seller may  
13 retain a copy of the license as a record of the transaction. The  
14 purchaser shall receive 2 copies of the license. ~~The~~**IF THE FIREARM**  
15 **IS A PISTOL, THE** purchaser shall return 1 copy of the license to  
16 the licensing authority within 10 days after the date the pistol is  
17 purchased or acquired. The return of the copy to the licensing  
18 authority may be made in person or may be made by first-class mail  
19 or certified mail sent within the 10-day period to the proper  
20 address of the licensing authority. A purchaser who fails to comply  
21 with the requirements of this subsection is responsible for a state  
22 civil infraction and may be fined not more than \$250.00. If a  
23 purchaser is found responsible for a state civil infraction under  
24 this subsection, the court shall notify the department of state  
25 police of that determination.

26 (6) Within 10 days after receiving the license copy **FOR A**  
27 **PISTOL** returned under subsection (5), the licensing authority shall

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

24 (7) This section does not apply to the purchase of ~~pistols~~  
25 **FIREARMS** from wholesalers by dealers regularly engaged in the  
26 business of selling ~~pistols~~**FIREARMS** at retail, or to the sale,  
27 barter, or exchange of ~~pistols~~**FIREARMS** kept as relics or curios

1 not made for modern ammunition or permanently deactivated. This  
2 section does not prevent the transfer of ownership of ~~pistols~~  
3 **FIREARMS** that are inherited if the license to purchase is approved  
4 by the commissioner or chief of police, sheriff, or their  
5 authorized deputies, and signed by the personal representative of  
6 the estate or by the next of kin having authority to dispose of the  
7 ~~pistol~~.**FIREARM.**

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

11 (a) The individual is licensed in his or her state of  
12 residence to purchase, carry, or transport a ~~pistol~~.**FIREARM.**

13 (b) The individual is in possession of the license described  
14 in subdivision (a).

15 (c) The individual is the owner of the ~~pistol~~.**FIREARM** he or  
16 she possesses, carries, or transports.

17 (d) The individual possesses the ~~pistol~~.**FIREARM** for a lawful  
18 purpose. ~~as that term is defined in section 231a of the Michigan~~  
19 ~~penal code, 1931 PA 328, MCL 750.231a.~~

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

22 (9) An individual who is a nonresident of this state shall  
23 present the license described in subsection (8)(a) upon the demand  
24 of a police officer. An individual who violates this subsection is  
25 guilty of a misdemeanor punishable by imprisonment for not more  
26 than 90 days or a fine of not more than \$100.00, or both.

27 (10) The licensing authority may require a person claiming

1 active duty status with the United States armed forces to provide  
2 proof of 1 or both of the following:

3 (a) The person's home of record.

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

5 (11) This section does not apply to a person who is younger  
6 than the age required under subsection (3)(b) and who possesses a  
7 ~~pistol-FIREARM~~ if all-1 of the following conditions ~~apply-APPLIES~~:

8 (a) The person is not otherwise prohibited from possessing  
9 that ~~pistol-FIREARM AND ALL OF THE FOLLOWING APPLY~~:

10 (i) ~~(b)~~The person is at a recognized target range.

11 (ii) ~~(c)~~The person possesses the ~~pistol-FIREARM~~ for the  
12 purpose of target practice or instruction in the safe use of a  
13 ~~pistol-FIREARM~~.

14 (iii) ~~(d)~~The person is in the physical presence and under the  
15 direct supervision of any of the following:

16 (A) ~~(i)~~The person's parent.

17 (B) ~~(ii)~~The person's guardian.

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

23 (iv) ~~(e)~~The owner of the ~~pistol-FIREARM~~ is physically  
24 present.

25 (B) THE PERSON IS NOT OTHERWISE PROHIBITED FROM POSSESSING  
26 THAT FIREARM AND THE PERSON POSSESSES THE FIREARM FOR THE PURPOSE  
27 OF HUNTING.



1 (12) This section does not apply to a person who possesses a  
2 ~~pistol-FIREARM~~ if all of the following conditions apply:

3 (a) The person is not otherwise prohibited from possessing a  
4 ~~pistol-FIREARM~~.

5 (b) The person is at a recognized target range or shooting  
6 facility.

7 (c) The person possesses the ~~pistol-FIREARM~~ for the purpose of  
8 target practice or instruction in the safe use of a ~~pistol-FIREARM~~.

9 (d) The owner of the ~~pistol-FIREARM~~ is physically present and  
10 supervising the use of the ~~pistol-FIREARM~~.

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

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

19 Sec. 2a. (1) The following individuals are not required to  
20 obtain a license under section 2 to purchase, carry, possess, use,  
21 or transport a ~~pistol-FIREARM~~:

22 (a) An individual licensed under section 5b, except for an  
23 individual who has an emergency license issued under section 5a(4)  
24 or a receipt serving as a concealed pistol license under section  
25 5b(9) or 5l(3).

26 (b) A federally licensed firearms dealer.

27 (c) An individual who purchases a ~~pistol-FIREARM~~ from a

1 federally licensed firearms dealer in compliance with 18 USC  
2 922(t).

3           (D) AN INDIVIDUAL PURCHASING A FIREARM OTHER THAN A PISTOL WHO  
4 HAS A FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PERFORMED  
5 ON HIM OR HER BY A FEDERALLY LICENSED FIREARMS DEALER NOT MORE THAN  
6 30 DAYS BEFORE THE PURCHASE.

7           (2) If an individual described in subsection (1) purchases or  
8 otherwise acquires a ~~pistol~~, **FIREARM**, the seller shall complete a  
9 record in triplicate on a form provided by the department of state  
10 police. The record shall include the purchaser's concealed weapon  
11 license number or, if the purchaser is a federally licensed  
12 firearms dealer, his or her dealer license number. If the purchaser  
13 is not licensed under section 5b and is not a federally licensed  
14 firearms dealer, the record shall include the dealer license number  
15 of the federally licensed firearms dealer who is selling the  
16 ~~pistol~~. **FIREARM OR THE DEALER LICENSE NUMBER OF THE FEDERALLY**  
17 **LICENSED FIREARMS DEALER THAT PERFORMED THE FEDERAL NATIONAL**  
18 **INSTANT CRIMINAL BACKGROUND CHECK.** The purchaser shall sign the  
19 record. The seller may retain 1 copy of the record. The purchaser  
20 shall receive 2 copies of the record and, **IF THE FIREARM IS A**  
21 **PISTOL**, forward 1 copy to the police department of the city,  
22 village, or township in which the purchaser resides, or, if the  
23 purchaser does not reside in a city, village, or township having a  
24 police department, to the county sheriff, within 10 days following  
25 the purchase or acquisition. The return of the copy to the police  
26 department or county sheriff may be made in person or may be made  
27 by first-class mail or certified mail sent within the 10-day period

1 to the proper address of the police department or county sheriff. A  
2 purchaser who fails to comply with the requirements of this  
3 subsection is responsible for a state civil infraction and may be  
4 fined not more than \$250.00. If a purchaser is found responsible  
5 for a state civil infraction under this subsection, the court shall  
6 notify the department of state police. If the purchaser is licensed  
7 under section 5b, the court shall notify the licensing authority of  
8 that determination.

9 (3) Within 10 days after receiving the record copy **FOR A**  
10 **PISTOL** returned under subsection (2), the police department or  
11 county sheriff shall electronically enter the information into the  
12 pistol entry database as required by the department of state police  
13 if it has the ability to electronically enter that information. If  
14 the police department or county sheriff does not have that ability,  
15 the police department or county sheriff shall provide that  
16 information to the department of state police in a manner otherwise  
17 required by the department of state police. Any police department  
18 or county sheriff that provided pistol descriptions to the  
19 department of state police under former section 9 of this act shall  
20 continue to provide pistol descriptions to the department of state  
21 police under this subsection. Within 48 hours after entering or  
22 otherwise providing the information on the record copy returned  
23 under subsection (2) to the department of state police, the police  
24 department or county sheriff shall forward the copy of the record  
25 to the department of state police. The purchaser has the right to  
26 obtain a copy of the information placed in the pistol entry  
27 database under this subsection to verify the accuracy of that

1 information. The police department or county sheriff may charge a  
2 fee not to exceed \$1.00 for the cost of providing the copy. The  
3 purchaser may carry, use, possess, and transport the pistol for 30  
4 days beginning on the date of purchase or acquisition only while he  
5 or she is in possession of his or her copy of the record. However,  
6 the person is not required to have the record in his or her  
7 possession while carrying, using, possessing, or transporting the  
8 pistol after this period.

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

11 (5) An individual who makes a material false statement on a  
12 sales record under this section is guilty of a felony punishable by  
13 imprisonment for not more than 4 years or a fine of not more than  
14 \$2,500.00, or both.

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

17 (7) As used in this section:

18 (a) Before December 18, 2012, "federally licensed firearms  
19 dealer" means an individual who holds a type 01 dealer license  
20 under 18 USC 923.

21 (b) Beginning December 18, 2012, "federally licensed firearms  
22 dealer" means a person licensed to sell firearms under 18 USC 923.

23 (c) "Person" means an individual, partnership, corporation,  
24 association, or other legal entity.

25 Sec. 2b. (1) Except as provided in subsection (5), upon entry  
26 of an order or disposition into the law enforcement information  
27 network under any provision of law described in section 2(3)(a),

1 the department of state police shall immediately send written  
2 notice of that entry to the person who is the subject of the order  
3 or disposition. The notice shall be sent by first-class mail to the  
4 last known address of the person. The notice shall include at least  
5 all of the following:

6 (a) The name of the person.

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

9 (c) A statement that the person cannot obtain a license to  
10 purchase a ~~pistol~~**FIREARM** or obtain a concealed weapon license  
11 until the order or disposition is removed from the law enforcement  
12 information network.

13 (d) A statement that the person may request that the state  
14 police correct or expunge inaccurate information entered into the  
15 law enforcement information network.

16 (2) A person who is the subject of an order entered into the  
17 law enforcement information network under any provision of law  
18 described in section 2(3)(a) may request that the department of  
19 state police do either of the following:

20 (a) Amend an inaccuracy in the information entered into the  
21 law enforcement information network under any provision of law  
22 described in section 2(3)(a).

23 (b) Expunge the person's name and other information concerning  
24 the person from the law enforcement information network regarding 1  
25 or more specific entries in the law enforcement information network  
26 under any provision of law described in section 2(3)(a) because 1  
27 or more of the following circumstances exist:

1           (i) The person is not subject to an order of involuntary  
2 commitment in an inpatient or outpatient setting due to mental  
3 illness.

4           (ii) The person is not subject to an order or disposition  
5 determining that the person is legally incapacitated.

6           (iii) The person is not subject to a personal protection order  
7 issued under any of the following:

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

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

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

13           (iv) The person is not subject to an order for release subject  
14 to protective conditions that prohibits the purchase or possession  
15 of a firearm by the person issued under section 6b of chapter V of  
16 the code of criminal procedure, 1927 PA 175, MCL 765.6b.

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

1 1969 PA 306, MCL 24.201 to 24.328.

2 (4) If the department of state police refuses a request by a  
3 person for amendment or expunction under subsection (2), or fails  
4 to act within 30 days after receiving the request under subsection  
5 (2), the person may request a hearing before a hearing officer  
6 appointed by the department of state police for a determination of  
7 whether information entered into the law enforcement information  
8 network should be amended or expunged because it is inaccurate or  
9 false. The department of state police shall conduct the hearing  
10 pursuant to the administrative procedures act of 1969, 1969 PA 306,  
11 MCL 24.201 to 24.328.

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

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

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

23 (b) The United States army, air force, navy, or marine corps.

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

26 (d) The national guard, armed forces reserves, or other duly  
27 authorized military organization.

1 (e) A member of an entity or organization described in  
2 subdivisions (a) through (d) for a ~~pistol~~-**FIREARM** while engaged in  
3 the course of his or her duties with that entity or while going to  
4 or returning from those duties.

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

7 (g) The regular and ordinary possession and transportation of  
8 a ~~pistol~~-**FIREARM** as merchandise by an authorized agent of a person  
9 licensed to manufacture firearms or a licensed dealer.

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

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

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

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



1 the following purposes:

2 (a) For legal sale or trade to a federally licensed firearm  
3 dealer. The proceeds from any sale or trade under this subdivision  
4 shall be used by the law enforcement agency only for law  
5 enforcement purposes. The law enforcement agency shall not sell or  
6 trade a firearm or part of a firearm under this subdivision to any  
7 individual who is a member of that law enforcement agency unless  
8 the individual is a federally licensed firearms dealer and the sale  
9 is made pursuant to a public auction.

10 (b) For official use by members of the seizing law enforcement  
11 agency who are employed as peace officers. A firearm or part of a  
12 firearm shall not be sold under this subdivision.

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

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

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

26 (a) Determine through the law enforcement information network  
27 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 law enforcement agency shall  
3 provide 30 days' written notice of its intent to dispose of the  
4 firearm under this section to the owner, and allow the owner to  
5 claim the firearm within that 30-day period if he or she is  
6 authorized to possess the firearm. If the police agency determines  
7 that a serial number has been altered or has been removed or  
8 obliterated from the firearm, the police agency shall submit the  
9 firearm to the department of state police or a forensic laboratory  
10 for serial number verification or restoration to determine legal  
11 ownership.

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

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

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