

Act No. 19
Public Acts of 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Churches, Breen, Morse, Skaggs, Rogers, Brixie, Rheingans, Arbit, Martus, Brabec, Hood, Glanville, Wegela, Price, Pohutsky, Byrnes, Young, Hope, Morgan, MacDonell, McKinney, Puri, Weiss, Liberati, Stone, McFall, Scott, Koleszar, Mentzer, Edwards, Grant, Hoskins, Brenda Carter, Dievendorf, Haadsma, Snyder, Coffia, Wilson, Conlin, Fitzgerald, Farhat, Paiz, Miller, Whitsett and Aiyash

ENROLLED HOUSE BILL No. 4138

AN ACT 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 1, 2, 2a, 2b, 12, and 14a (MCL 28.421, 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 1 as amended by 2017 PA 95, 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:

Sec. 1. (1) As used in this act:

(a) “Corrections officer of the department of corrections” means a state correctional officer as that term is defined in section 2 of the correctional officers’ training act of 1982, 1982 PA 415, MCL 791.502.

(b) “Felony” means, except as otherwise provided in this subdivision, that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation of a law of the United States or another state that is designated as a felony or that is punishable by death or by imprisonment for more than 1 year. Felony does not include a violation of a penal law of this state that is expressly designated as a misdemeanor.

(c) “Firearm” means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

(d) “Firearms records” means any form, information, or record required for submission to a government agency under sections 2, 2a, 2b, and 5b, or any form, permit, or license issued by a government agency under this act.

(e) “Local corrections officer” means that term as defined in section 2 of the local corrections officers training act, 2003 PA 125, MCL 791.532.

(f) "Misdemeanor" means a violation of a penal law of this state or violation of a local ordinance substantially corresponding to a violation of a penal law of this state that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine, or both.

(g) "Parole or probation officer of the department of corrections" means any individual employed by the department of corrections to supervise felony probationers or parolees or that individual's immediate supervisor.

(h) "Peace officer" means, except as otherwise provided in this act, an individual who is employed as a law enforcement officer, as that term is defined under section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602, by this state or another state, a political subdivision of this state or another state, or the United States, and who is required to carry a firearm in the course of the individual's duties as a law enforcement officer.

(i) "Pistol" means a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(j) "Purchaser" means a person who receives a firearm from another person by purchase or gift.

(k) "Reserve peace officer", "auxiliary officer", or "reserve officer" means, except as otherwise provided in this act, an individual authorized on a voluntary or irregular basis by a duly authorized police agency of this state or a political subdivision of this state to act as a law enforcement officer, who is responsible for the preservation of the peace, the prevention and detection of crime, and the enforcement of the general criminal laws of this state, and who is otherwise eligible to possess a firearm under this act.

(l) "Retired corrections officer of the department of corrections" means an individual who was a corrections officer of the department of corrections and who retired in good standing from the individual's employment as a corrections officer of the department of corrections.

(m) "Retired federal law enforcement officer" means an individual who was an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility was enforcing laws of the United States, who was required to carry a firearm in the course of the individual's duties as a law enforcement officer, and who retired in good standing from the individual's employment as a federal law enforcement officer.

(n) "Retired parole or probation officer of the department of corrections" means an individual who was a parole or probation officer of the department of corrections and who retired in good standing from the individual's employment as a parole or probation officer of the department of corrections.

(o) "Retired police officer" or "retired law enforcement officer" means an individual who was a police officer or law enforcement officer who was licensed or certified as described in the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and retired in good standing from the individual's employment as a police officer or law enforcement officer. A police officer or law enforcement officer retired in good standing if the individual receives a pension or other retirement benefit for the individual's service as a police officer or law enforcement officer or actively maintained a Michigan commission on law enforcement standards or equivalent state certification or license from this state or another state for not less than 10 consecutive years.

(p) "Seller" means a person who sells or gives a firearm to another person.

(q) "State court judge" means a judge of the district court, circuit court, probate court, or court of appeals or justice of the supreme court of this state who is serving either by election or appointment.

(r) "State court retired judge" means a judge or justice described in subdivision (q) who is retired, or a retired judge of the recorders court.

(2) A person may lawfully own, possess, carry, or transport as a pistol a firearm greater than 26 inches in length if all of the following conditions apply:

(a) The person registered the firearm as a pistol under section 2 or 2a before January 1, 2013.

(b) The person who registered the firearm as described in subdivision (a) has maintained registration of the firearm since January 1, 2013 without lapse.

(c) The person possesses a copy of the license or record issued to the person under section 2 or 2a.

(3) A person who satisfies all of the conditions listed under subsection (2) nevertheless may elect to have the firearm not be considered to be a pistol. A person who makes the election under this subsection shall notify the department of state police of the election in a manner prescribed by that department.

Sec. 2. (1) Except as otherwise provided in this act, a person shall not do either of the following:

(a) Purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section.

(b) Purchase a firearm that is not a pistol in this state without first having obtained a license for the firearm as prescribed in this section. This subdivision does not apply to the purchase or acquisition of a firearm that occurred before the effective date of the amendatory act that added this subdivision.

(2) An individual who brings a firearm into this state who is on leave from active duty with the Armed Forces of the United States or who has been discharged from active duty with the Armed Forces of the United States shall obtain a license for the firearm not later than 30 days after the individual arrives in this state.

(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, possess, or transport firearms, or the commissioner's or chief's duly authorized deputy, or the sheriff or the sheriff's duly authorized deputy, in the parts of a county not included in a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, possess, or transport firearms to qualified applicants unless the individual has probable cause to believe that the applicant would be a threat to the applicant or to other individuals, or would commit an offense with the firearm that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

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

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

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

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

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

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

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

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

(b) The individual is 18 years of age or older or, if the firearm is a pistol and the seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The individual is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, an individual is considered a legal resident of this state if any of the following apply:

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

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

(iii) The individual is on active duty status with the Armed Forces of the United States and is stationed outside of this state, but the individual's home of record is in this state.

(iv) The individual is on active duty status with the Armed Forces of the United States and is permanently stationed in this state, but the individual's home of record is in another state.

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

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

(f) The individual has not been adjudged insane in this state or elsewhere unless the individual has been adjudged restored to sanity by court order.

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

(h) The individual has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to an individual who has had the individual's legal capacity restored by order of the court.

(4) An applicant for a license under this section shall sign the application under oath on a form provided by the director of the department of state police. A licensing authority shall issue a license to purchase, carry, possess, or transport firearms in triplicate on a form provided by the director of the department of state police. The licensing authority shall sign any license issued under this section. The licensing authority shall deliver 3 copies of the license to the applicant. A license is void unless used within 30 days after the date it is issued.

(5) If an individual purchases or otherwise acquires a firearm, the seller shall fill out the license forms describing the firearm, together with the date of sale or acquisition, and sign the seller's name in ink indicating that the firearm was sold to or otherwise acquired by the purchaser. The purchaser shall also sign the purchaser's

name in ink indicating the purchase or other acquisition of the firearm from the seller. The seller may retain a copy of the license as a record of the transaction, shall provide a copy of the license to the purchaser, and, if the firearm is a pistol, shall return 1 copy of the license to the licensing authority not later than 10 days after the date the pistol is purchased or acquired. The seller shall return the copy to the licensing authority in person or by first-class mail or certified mail sent in the 10-day period to the proper address of the licensing authority. A seller who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a seller is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police of that determination.

(6) Not later than 10 days after receiving the license copy for a pistol returned under subsection (5), the licensing authority shall electronically enter the information into the pistol entry database as required by the department of state police if the licensing authority has the ability to electronically enter that information. If the licensing authority does not have that ability, the licensing authority shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any licensing authority that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Not later than 48 hours after entering or otherwise providing the information on the license copy returned under subsection (5) to the department of state police, the licensing authority shall forward the copy of the license to the department of state police. The purchaser may obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The licensing authority may charge a fee not to exceed \$1.00 for the cost of providing the copy. The licensee may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while the licensee is in possession of a copy of the license. However, the licensee is not required to have the license in the licensee's possession while carrying, using, possessing, or transporting the pistol after this period.

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

(8) This section does not prevent the transfer of ownership of pistols to an heir or devisee, whether by testamentary bequest or by the laws of intestacy regardless of whether the pistol is entered into the pistol entry database. An individual who has inherited a firearm shall obtain a license as required in this section not later than 30 days after taking physical possession of the firearm. The license may be signed by a next of kin of the decedent or the person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, including when the next of kin is the individual inheriting the firearm. If the heir or devisee is not qualified for a license under this section, the heir or devisee may direct the next of kin or person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose of the firearm in any manner that is lawful and the heir or devisee considers appropriate. The person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not required to obtain a license under this section if the person takes temporary lawful possession of the firearm in the process of disposing of the firearm pursuant to the decedent's testamentary bequest or the laws of intestacy. A law enforcement agency may not seize or confiscate a firearm being transferred by testamentary bequest or the laws of intestacy unless the heir or devisee does not qualify for obtaining a license under this section and the next of kin or person authorized to dispose of property under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable to retain temporary possession of the firearm or find alternative lawful storage. If a law enforcement agency seizes or confiscates a firearm under this subsection, the heir or devisee who is not qualified to obtain a license under this section retains ownership interest in the firearm and, not later than 30 days after being notified of the seizure or confiscation, may file with a court of competent jurisdiction to direct the law enforcement agency to lawfully transfer or otherwise dispose of the firearm. The seizing entity or its agents shall not destroy, sell, or use a firearm seized under this subsection until 30 days have passed since the heir or devisee has been notified of the seizure and no legal action regarding the lawful possession or ownership of the seized firearm has been filed in any court and is pending. As used in this subsection:

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

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

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

(a) The individual is licensed in the individual's state of residence to purchase, carry, or transport a pistol.

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

- (c) The individual is the owner of the pistol the individual possesses, carries, or transports.
 - (d) The individual possesses the pistol for a lawful purpose.
 - (e) The individual is in this state for a period of 180 days or less and does not intend to establish residency in this state.
- (10) An individual who is a nonresident of this state shall present the license described in subsection (9)(a) upon the demand of a police officer. An individual who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.
- (11) The licensing authority may require an individual claiming active duty status with the Armed Forces of the United States to provide proof of 1 or both of the following:
- (a) The individual's home of record.
 - (b) Permanent active duty assignment in this state.
- (12) This section does not apply to an individual who is younger than the age required under subsection (3)(b) and who possesses a pistol if 1 of the following conditions applies:
- (a) The individual is not otherwise prohibited from possessing that pistol and all of the following apply:
 - (i) The individual is at a recognized target range.
 - (ii) The individual possesses the pistol for the purpose of target practice or instruction in the safe use of a pistol.
 - (iii) The individual is in the physical presence and under the direct supervision of any of the following:
 - (A) The individual's parent.
 - (B) The individual's guardian.
 - (C) An individual who is 21 years of age or older, who is authorized by the individual's parent or guardian, and who has successfully completed a pistol safety training course or class that meets the requirements of section 5j(1)(a), (b), or (d), and received a certificate of completion.
 - (iv) The owner of the pistol is physically present.
 - (b) The individual is not otherwise prohibited from possessing that pistol, the individual possesses the pistol for the purpose of hunting, and the individual is in compliance with all applicable hunting laws.
- (13) This section does not apply to an individual who possesses a pistol if all of the following conditions apply:
- (a) The individual is not otherwise prohibited from possessing a pistol.
 - (b) The individual is at a recognized target range or shooting facility.
 - (c) The individual possesses the pistol for the purpose of target practice or instruction in the safe use of a pistol.
 - (d) The owner of the pistol is physically present and supervising the use of the pistol.
- (14) A person who forges any matter on an application for a license under this section is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.
- (15) A licensing authority shall implement this section during all of the licensing authority's normal business hours and shall set hours for implementation that allow an applicant to use the license within the time period set forth in subsection (4).

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

- (a) An individual licensed under section 5b, except for an individual who has an emergency license issued under section 5a(4) or a receipt serving as a concealed pistol license under section 5b(9) or 5l(3).
 - (b) A federally licensed firearms dealer.
 - (c) An individual currently employed as a police officer who is licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.
 - (d) An individual purchasing a firearm other than a pistol who has a federal national instant criminal background check performed on the individual by a federally licensed firearms dealer not more than 5 days before the purchase.
- (2) If an individual described in subsection (1) purchases or otherwise acquires a firearm, the seller shall complete a record in triplicate on a form provided by the department of state police that includes the purchaser's concealed weapon license number, the number of the purchaser's license or certificate issued under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the purchaser is a federally licensed firearms dealer, the purchaser's dealer license number. If the purchaser is not licensed under section 5b or does not have a license or certificate issued under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and is not a federally licensed firearms dealer, the record

must include the dealer license number of the federally licensed firearms dealer that performed the federal national instant criminal background check. The purchaser shall sign the record. The seller may retain 1 copy of the record, shall provide a copy of the record to the purchaser, and, if the firearm is a pistol, shall forward 1 copy to the police department of the city, village, or township in which the seller resides, or, if the seller does not reside in a city, village, or township having a police department, to the county sheriff, not later than 10 days following the purchase or acquisition. The seller shall return the copy to the police department or county sheriff in person or by first-class mail or certified mail sent in the 10-day period to the proper address of the police department or county sheriff. A seller who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a seller is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police. If the seller is licensed under section 5b, the court shall notify the licensing authority of that determination.

(3) Not later than 10 days after receiving the record copy for a pistol returned under subsection (2), the police department or county sheriff shall electronically enter the information into the pistol entry database as required by the department of state police if it has the ability to electronically enter that information. If the police department or county sheriff does not have that ability, the police department or county sheriff shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any police department or county sheriff that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Not later than 48 hours after entering or otherwise providing the information on the record copy returned under subsection (2) to the department of state police, the police department or county sheriff shall forward the copy of the record to the department of state police. The purchaser may obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The police department or county sheriff may charge a fee not to exceed \$1.00 for the cost of providing the copy. The purchaser may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while the individual is in possession of the individual's copy of the record. However, the individual is not required to have the record in the individual's possession while carrying, using, possessing, or transporting the pistol after this period.

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

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

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

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

(8) As used in this section:

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

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

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

(a) The name of the individual.

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

(c) A statement that the individual cannot obtain a license to purchase a firearm or obtain a concealed weapon license until the order or disposition is removed from the law enforcement information network.

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

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

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

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

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

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

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

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

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

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

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

(3) Before the expiration of 30 days after a request is made to amend an inaccuracy in the law enforcement information network under subsection (2)(a) or to expunge 1 or more specific entries from the law enforcement information network under subsection (2)(b)(i) to (iv), the department of state police shall conduct an investigation concerning the accuracy of the information contained in the law enforcement information network, either grant or deny the request and provide the individual with written notice of that grant or denial. The department of state police shall include in a notice of denial a statement specifying the basis of the denial, and that an individual may appeal the denial in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(4) If the department of state police denies a request by an individual for amendment or expunction under subsection (2), or fails to act within 30 days after receiving the request under subsection (2), the individual may request a hearing before a hearing officer appointed by the department of state police for a determination of whether information entered into the law enforcement information network should be amended or expunged because it is inaccurate or false. The department of state police shall conduct the hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

(b) The United States Army, Air Force, Navy, or Marine Corps.

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

(d) The National Guard, United States Armed Forces Reserves, or other duly authorized military organization.

(e) A member of an entity or organization described in subdivisions (a) to (d) for a firearm while engaged in the course of that member's duties with that entity or while going to or returning from those duties.

(f) A United States citizen holding a license to carry a pistol concealed upon that individual's person issued by another state.

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

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

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

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

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

(a) For legal sale or trade to a federally licensed firearm 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.

(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) 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.

(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 intent to dispose of the firearm under this section to the owner, and allow the owner to claim the firearm in that 30-day period if the owner is authorized to possess the firearm. If the police agency determines that a serial number has been altered or has been removed or obliterated from the firearm, the police agency shall submit the firearm to the department of state police or a forensic laboratory for serial number verification or restoration to determine legal ownership.

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

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

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



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor