

SENATE BILL No. 212

February 11, 2009, Introduced by Senators KAHN, CROPSEY and KUIPERS 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 and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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 section 14 (MCL 28.434), as amended by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) ~~Subject~~ **EXCEPT AS PROVIDED IN SUBSECTION (4) AND**
2 **SUBJECT** to section 5g, all pistols, weapons, or devices carried or
3 possessed contrary to this act are declared forfeited to the state,

1 and shall be turned over to the director of the department of state
2 police or his or her designated representative, for disposal under
3 this section.

4 (2) The director of the department of state police shall
5 dispose of firearms under this section by 1 of the following
6 methods:

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

12 (b) By destroying them.

13 (c) By any other lawful manner prescribed by the director of
14 the department of state police.

15 (3) Before disposing of a firearm under this section, the
16 director of the department of state police shall do both of the
17 following:

18 (a) Determine through the law enforcement information network
19 whether the firearm has been reported lost or stolen. If the
20 firearm has been reported lost or stolen and the name and address
21 of the owner can be determined, the director of the department of
22 state police shall provide 30 days' written notice of his or her
23 intent to dispose of the firearm under this section to the owner,
24 and allow the owner to claim the firearm within that 30-day period
25 if he or she is authorized to possess the firearm.

26 (b) Provide 30 days' notice to the public on the department of
27 state police website of his or her intent to dispose of the firearm

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

8 (4) THIS SECTION DOES NOT PROHIBIT A POLICE AGENCY FROM
9 RETAINING ANY PISTOL, WEAPON, OR DEVICE CARRIED OR POSSESSED IN
10 VIOLATION OF THIS ACT FOR OFFICIAL USE BY THAT POLICE AGENCY,
11 INCLUDING FOR TRAINING OR EDUCATIONAL PURPOSES. THE POLICE AGENCY
12 SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (3) FOR ANY
13 PISTOL, WEAPON, OR DEVICE RETAINED UNDER THIS SUBSECTION. AS USED
14 IN THIS SUBSECTION, "POLICE AGENCY" MEANS 1 OR MORE OF THE
15 FOLLOWING:

16 (A) THE DEPARTMENT OF STATE POLICE.

17 (B) THE POLICE DEPARTMENT OF A CITY, TOWNSHIP, OR VILLAGE.

18 (C) THE POLICE DEPARTMENT OF A COMMUNITY COLLEGE, COLLEGE, OR
19 UNIVERSITY.

20 (D) A COUNTY SHERIFF'S DEPARTMENT.

21 (E) THE LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF NATURAL
22 RESOURCES.

23 (5) ~~(4)~~—The department of state police is immune from civil
24 liability for disposing of a firearm in compliance with this
25 section.

26 (6) A POLICE AGENCY DESCRIBED IN SUBSECTION (4) IS IMMUNE FROM
27 CIVIL LIABILITY FOR RETAINING A PISTOL, WEAPON, OR DEVICE IN

1 COMPLIANCE WITH THIS SECTION.