



Senate Fiscal Agency
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Senate Bill 49 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Tom Casperson
Committee: Judiciary

CONTENT

The bill would amend the handgun licensure law to specify that firearms records would be confidential, would not be subject to disclosure under the Freedom of Information Act, and could not be disclosed to any person except as provided below.

Access to firearms records could be gained, and the records could be disclosed, for the following purposes:

- A peace officer had probable cause to believe that the individual whose firearms records were the subject of disclosure posed a threat to himself or herself or other individuals.
- A peace officer had probable cause to believe that the individual whose firearms records were the subject of disclosure had committed an offense with the pistol that violated a law of this State, another state, or the United States.
- A peace officer had probable cause to believe that the pistol that was the subject of the firearms records search was used during the commission of an offense that violated a law of this State, another state, or the United States.
- To ensure the safety of a peace officer before a lawful search and seizure.
- For purposes of the handgun licensure law.

A person who intentionally violated the access and disclosure restrictions described above would be guilty of a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500. A second or subsequent offense would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The bill is tie-barred to Senate Bills 834 and 881 and to House Bills 4155, 5325, 5327, 5328, and 5329, all of which also address firearms records confidentiality.)

Proposed MCL 28.421b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The proposed criminal penalties would result in a cost to State and local government for the expense of prosecution and incarceration. Penal fine revenue would benefit public libraries.

Date Completed: 4-24-14

Fiscal Analyst: Bruce Baker