

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 49

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,"

(MCL 28.421 to 28.435) by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1B. (1) FIREARMS RECORDS ARE CONFIDENTIAL, ARE NOT**
2 **SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA**
3 **442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY**

1 PERSON, EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION.

2 (2) FIREARMS RECORDS MAY ONLY BE ACCESSED AND DISCLOSED BY A
3 PEACE OFFICER OR AUTHORIZED SYSTEM USER FOR THE FOLLOWING PURPOSES:

4 (A) THE INDIVIDUAL WHOSE FIREARMS RECORDS ARE THE SUBJECT OF
5 DISCLOSURE POSES A THREAT TO HIMSELF OR HERSELF OR OTHER
6 INDIVIDUALS, INCLUDING A PEACE OFFICER.

7 (B) THE INDIVIDUAL WHOSE FIREARMS RECORDS ARE THE SUBJECT OF
8 DISCLOSURE HAS COMMITTED AN OFFENSE WITH A PISTOL THAT VIOLATES A
9 LAW OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES.

10 (C) THE PISTOL THAT IS THE SUBJECT OF THE FIREARMS RECORDS
11 SEARCH MAY HAVE BEEN USED DURING THE COMMISSION OF AN OFFENSE THAT
12 VIOLATES A LAW OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES.

13 (D) TO ENSURE THE SAFETY OF A PEACE OFFICER.

14 (E) FOR PURPOSES OF THIS ACT.

15 (F) A PEACE OFFICER OR AN AUTHORIZED USER HAS REASON TO
16 BELIEVE THAT ACCESS TO THE FIREARMS RECORDS IS NECESSARY WITHIN THE
17 COMMISSION OF HIS OR HER LAWFUL DUTIES. THE PEACE OFFICER OR
18 AUTHORIZED SYSTEM USER SHALL ENTER AND RECORD THE SPECIFIC REASON
19 IN THE SYSTEM IN ACCORDANCE WITH THE PROCEDURES IN SECTION 5E.

20 (3) A PERSON WHO INTENTIONALLY VIOLATES SUBSECTION (2) IS
21 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY
22 A CIVIL FINE OF NOT MORE THAN \$500.00.

23 Enacting section 1. This amendatory act takes effect 180 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 97th Legislature are
27 enacted into law:

- 1 (a) Senate Bill No. 834.
- 2 (b) Senate Bill No. 881.
- 3 (c) House Bill No. 4155.
- 4 (d) House Bill No. 5325.
- 5 (e) House Bill No. 5328.