

HOUSE BILL No. 4872

June 20, 2013, Introduced by Reps. Barnett, Townsend, Switalski, Slavens, Hovey-Wright and Schor 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,"

(MCL 28.421 to 28.435) by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4A. (1) IF A PERSON WHO POSSESSES A FIREARM IS ORDERED BY
2 THE COURT IN A PROCEEDING SET FORTH IN SUBSECTION (2) NOT TO
3 POSSESS A FIREARM, THE PERSON SHALL DO 1 OF THE FOLLOWING WITHIN 24
4 HOURS AFTER THE ORDER IS ISSUED OR, WITH THE LEAVE OF THE COURT FOR

1 GOOD CAUSE SHOWN, WITHIN 48 HOURS AFTER THE ORDER IS ISSUED:

2 (A) ARRANGE FOR A LAW ENFORCEMENT AGENCY TO STORE THE FIREARM.

3 (B) SELL OR TRANSFER POSSESSION OF THE FIREARM TO A LICENSED
4 DEALER.

5 (C) SELL OR TRANSFER POSSESSION OF THE FIREARM TO A PRIVATE
6 PARTY WHO IS NOT PROHIBITED BY LAW FROM OWNING OR POSSESSING THAT
7 FIREARM.

8 (2) SUBSECTION (1) APPLIES TO A COURT ORDER ISSUED UNDER ANY
9 OF THE FOLLOWING:

10 (A) SECTIONS 2950 AND 2950A OF THE REVISED JUDICATURE ACT OF
11 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A.

12 (B) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE,
13 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION IMPOSED UNDER
14 SECTION 6B(3) OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, 1927
15 PA 175, MCL 765.6B.

16 (3) IF A PERSON IS UNABLE TO SATISFY THE REQUIREMENTS OF
17 SUBSECTION (1) BECAUSE HE OR SHE IS INCARCERATED OR OTHERWISE HELD
18 IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE
19 THE PERSON TO RELINQUISH ANY FIREARM IN HIS OR HER POSSESSION OR
20 CONTROL AS PROVIDED IN THIS SECTION UPON RELEASE FROM THAT
21 INCARCERATION OR CUSTODY.

22 (4) IF A LAW ENFORCEMENT AGENCY ELECTS TO STORE A FIREARM
23 UNDER THIS SECTION, ALL OF THE FOLLOWING APPLY:

24 (A) THE LAW ENFORCEMENT AGENCY MAY CHARGE A FEE FOR THAT
25 STORAGE. THE FEE SHALL NOT EXCEED THE ACTUAL COSTS INCURRED BY THE
26 LAW ENFORCEMENT AGENCY FOR STORING THE FIREARM.

27 (B) THE LAW ENFORCEMENT AGENCY SHALL ISSUE A RECEIPT FOR THE

1 FIREARM. THE RECEIPT SHALL CONTAIN THE NAME OF THE LAW ENFORCEMENT
2 AGENCY, THE DATE THE LAW ENFORCEMENT AGENCY RECEIVED THE FIREARM,
3 AND A DESCRIPTION OF THE FIREARM INCLUDING THE SERIAL NUMBER, IF
4 ANY. IF MORE THAN 1 FIREARM IS STORED UNDER THIS SUBDIVISION, ALL
5 OF THE FIREARMS THAT ARE STORED MAY BE LISTED ON A SINGLE RECEIPT.

6 (C) THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF A FIREARM THAT
7 IS NOT RECLAIMED BY THE OWNER WITHIN 30 DAYS AFTER THE STORAGE
8 PERIOD HAS ENDED. DISPOSAL SHALL BE IN THE MANNER PROVIDED IN
9 SECTION 14A.

10 (5) A PERSON WHO PURCHASES, RECEIVES, OR STORES A FIREARM
11 UNDER THIS SECTION SHALL NOT KNOWINGLY RETURN THE FIREARM TO THE
12 PERSON DURING THE PERIOD IN WHICH HE OR SHE IS PROHIBITED FROM
13 POSSESSING A FIREARM.

14 (6) IF THE PERSON SELLS OR OTHERWISE TRANSFERS A FIREARM UNDER
15 THIS SECTION TO ANOTHER PERSON, THE PERSON SHALL OBTAIN A WRITTEN
16 RECEIPT FROM THAT OTHER PERSON ACKNOWLEDGING RECEIPT OF THE
17 FIREARM. THE RECEIPT SHALL CONTAIN THE NAME AND ADDRESS OF THAT
18 OTHER PERSON, THE DATE OF SALE OR TRANSFER, A DESCRIPTION OF THE
19 FIREARM INCLUDING THE SERIAL NUMBER, IF ANY, AND A STATEMENT
20 ACKNOWLEDGING THAT THE PERSON HAS TAKEN PHYSICAL POSSESSION OF THE
21 FIREARM. IF THE PERSON IS TAKING POSSESSION OF THE FIREARM FOR A
22 SPECIFIC PERIOD OF TIME, THE RECEIPT SHALL SPECIFY THE DATE ON
23 WHICH THE FIREARM IS TO BE RETURNED. THE RECEIPT SHALL BE SIGNED BY
24 THE OTHER PERSON. IF MORE THAN 1 FIREARM IS SOLD OR TRANSFERRED
25 UNDER THIS SUBDIVISION, THEN ALL OF THE FIREARMS SOLD OR
26 TRANSFERRED MAY BE LISTED ON A SINGLE RECEIPT. THE REQUIREMENTS OF
27 THIS SECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS FOR THE

1 LAWFUL SALE OR TRANSFER OF THE FIREARM.

2 (7) THE PERSON WHO IS THE SUBJECT OF AN ORDER DESCRIBED IN
3 SUBSECTION (1) SHALL RETURN THE RECEIPT HE OR SHE OBTAINS FROM THE
4 PERSON WHO HAS PURCHASED, RECEIVED, OR STORED THE FIREARM TO THE
5 COURT WITHIN 72 HOURS AFTER SELLING, TRANSFERRING, OR STORING THAT
6 FIREARM.

7 (8) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
8 FOLLOWS:

9 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A MISDEMEANOR
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
11 NOT MORE THAN \$1,000.00, OR BOTH.

12 (B) IF THE PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF
13 SUBSECTION (5), A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
14 MORE THAN 30 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.