



# HOUSE BILL No. 5813

April 25, 1996, Introduced by Reps. Kaza, Weeks, Horton, Hill, Anthony, Goschka, Walberg, Profit, Dalman, Tesanovich, DeHart, Lowe, Cropsey, McBryde, Kukuk, Sikkema, McNutt, Wetters and Green and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 372 of the Public Acts of 1927,  
entitled as amended

"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; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 28.421 to 28.434 of the Michigan  
Compiled Laws, by adding section 15.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 372 of the Public Acts of 1927, as  
2 amended, being sections 28.421 to 28.434 of the Michigan Compiled  
3 Laws, is amended by adding section 15 to read as follows:

4 SEC. 15. (1) THE DEPARTMENT OF STATE POLICE SHALL DISPOSE  
5 OF A FIREARM FORFEITED UNDER SECTION 9D OR SECTION 14 OF THIS ACT

1 OR UNDER SECTION 239 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF  
2 THE PUBLIC ACTS OF 1931, BEING SECTION 750.239 OF THE MICHIGAN  
3 COMPILED LAWS, ONLY AS PROVIDED IN THIS SECTION.

4 (2) BEFORE A FIREARM IS DISPOSED OF UNDER THIS SECTION, THE  
5 DEPARTMENT OF STATE POLICE SHALL DETERMINE WHO OWNS THE FIREARM  
6 AND WHETHER THE FIREARM IS STOLEN. IN MAKING THE DETERMINATION  
7 REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL EXAMINE ALL  
8 RELEVANT RECORDS OF THE DEPARTMENT INCLUDING, BUT NOT LIMITED TO,  
9 THE LAW ENFORCEMENT INFORMATION NETWORK AND STOLEN PROPERTY  
10 REPORTS.

11 (3) THE DEPARTMENT OF STATE POLICE SHALL NOTIFY THE OWNER OF  
12 A FIREARM IN WRITING AT LEAST 30 DAYS BEFORE A FIREARM IS DIS-  
13 POSED OF UNDER THIS SECTION. HOWEVER, IF THE OWNER IS NOT  
14 ALLEGED TO HAVE BEEN INVOLVED IN THE VIOLATION FOR WHICH FORFEI-  
15 TURE IS REQUIRED, NOTIFICATION SHALL BE GIVEN AT LEAST 90 DAYS  
16 BEFORE THE FIREARM IS DISPOSED OF UNDER THIS SECTION.  
17 NOTIFICATION UNDER THIS SUBSECTION SHALL BE GIVEN BY CERTIFIED  
18 MAIL SENT TO THE OWNER'S LAST KNOWN ADDRESS.

19 (4) THE DEPARTMENT OF STATE POLICE SHALL RETURN A FIREARM TO  
20 ITS OWNER IF THE OWNER CLAIMS THE FIREARM WITHIN THE NOTIFICATION  
21 PERIOD AND THE DEPARTMENT OF STATE POLICE DETERMINES THAT THE  
22 OWNER WAS NOT INVOLVED IN THE VIOLATION FOR WHICH THE FIREARM WAS  
23 SEIZED. IF THE FIREARM IS OWNED BY MORE THAN 1 INDIVIDUAL, ANY  
24 INDIVIDUAL HOLDING AN OWNERSHIP INTEREST IN THE FIREARM WHO IS  
25 NOT ALLEGED TO HAVE BEEN INVOLVED IN THE VIOLATION FOR WHICH FOR-  
26 FEITURE IS REQUIRED MAY CLAIM THE FIREARM UNDER THIS SECTION BY  
27 PRESENTING PROOF OF OWNERSHIP AND PAYING TO THE DEPARTMENT OF

1 STATE POLICE THAT PORTION OF THE FAIR MARKET VALUE OF THE  
2 OWNERSHIP INTEREST SUBJECT TO FORFEITURE. A FIREARM SHALL BE  
3 RETURNED UNDER THIS SUBSECTION WITHIN 30 DAYS AFTER THE FIREARM  
4 IS CLAIMED BY THE OWNER.

5 (5) AN INDIVIDUAL CLAIMING AN OWNERSHIP INTEREST IN A FIRE-  
6 ARM MAY PETITION THE CIRCUIT COURT FOR RETURN OF A FIREARM UNDER  
7 THIS SECTION IF RETURN OF THE FIREARM IS DENIED BY THE DEPARTMENT  
8 OF STATE POLICE, OR IF THE FIREARM IS NOT RETURNED WITHIN 30 DAYS  
9 AS REQUIRED UNDER SUBSECTION (4). THE DEPARTMENT OF STATE POLICE  
10 SHALL NOT DISPOSE OF A FIREARM UNTIL THE EXPIRATION OF THE 30-DAY  
11 PERIOD OR, IF A PETITION IS FILED UNDER THIS SUBSECTION, UNTIL  
12 PERMITTED TO DO SO BY THE COURT. THE DEPARTMENT OF STATE POLICE  
13 IS CIVILLY LIABLE TO THE OWNER FOR THE FAIR MARKET VALUE OF A  
14 FIREARM FOR DISPOSING OF THAT FIREARM IN VIOLATION OF THIS  
15 SUBSECTION.

16 (6) THE DEPARTMENT OF STATE POLICE SHALL DISPOSE OF A FIRE-  
17 ARM FORFEITED UNDER SECTION 9D OR SECTION 14 OF THIS ACT OR UNDER  
18 SECTION 239 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931 ONLY IN THE  
19 FOLLOWING MANNER:

20 (A) IF THE FIREARM HAS SIGNIFICANT HISTORICAL VALUE, THE  
21 DEPARTMENT OF STATE POLICE SHALL DONATE THE FIREARM TO A PUBLIC  
22 MUSEUM.

23 (B) IF THE FIREARM IS SUITABLE FOR SPORTING PURPOSES, THE  
24 DEPARTMENT OF STATE POLICE SHALL DONATE THE FIREARM TO AN ORGANI-  
25 ZATION DEDICATED TO THE SHOOTING SPORTS.

1 (C) IF THE FIREARM DOES NOT MEET THE CRITERIA SPECIFIED IN  
2 SUBDIVISION (A) OR (B), THE DEPARTMENT OF STATE POLICE SHALL  
3 DESTROY THE FIREARM.

4 (7) THE DONATION OF A FIREARM UNDER SUBSECTION (1)(A) OR (B)  
5 SHALL BE MADE IN COMPLIANCE WITH STATE AND FEDERAL LAW. THE  
6 DEPARTMENT OF STATE POLICE MAY LIMIT THE NUMBER OF FIREARMS  
7 DONATED TO ANY SINGLE ENTITY UNDER THIS SECTION.

8 Section 2. This amendatory act shall not take effect unless  
9 all of the following bills of the 88th Legislature are enacted  
10 into law:

11 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5816 (request  
12 no. 06644'95 a \*).

13 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5817 (request  
14 no. 06644'95 b \*).