



**House
Legislative
Analysis
Section**

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**CONCEALED WEAPONS:
INSPECTION, SEIZURE**

House Bill 5682

Sponsor: Rep. Cameron Brown

Committee: Criminal Justice

Complete to 4-5-02

A SUMMARY OF HOUSE BILL 5682 AS INTRODUCED 2-20-02

Currently, the handgun licensure act (MCL 28.421 et al.) specifies that an individual may not carry a concealed weapon without a license. In addition, the weapon must be presented to the local police department or the county sheriff's department for a safety inspection. House Bill 5682 would amend the act to add that, if a person presented a pistol for a safety inspection and the police or county sheriff's department determined that the person wasn't licensed under the provisions of the act, then the police or sheriff could seize the pistol until the person received a license. The pistol, however, could not be disposed of, as the act requires, until 30 days after it had been seized. The 30-day period would not prohibit the police or county sheriff's department from immediately disposing of the pistol if that department determined that it was otherwise carried or possessed in violation of the act, nor from immediately returning the pistol to a person from whom it had been stolen.

The bill would also specify that, regardless of whether the pistol was seized, the owner could obtain a license for it during the 30-day period and have it inspected, as provided under the act. If the person presented a license within the 30-day period, the police or sheriff's department would be required to inspect the pistol promptly and return it to the person, as provided under the act. The bill would also specify that these provisions do not authorize the person to possess the pistol during the 30-day period for any purpose other than for storing it pending the issuance of a license, and subsequent inspection. Additionally, an individual could not be arrested or prosecuted for violating the act's licensing provisions solely for the reason that he or she had presented the pistol for inspection, as provided under the bill.

The act also specifies currently that all weapons, pistols, or devices carried or possessed contrary to the provisions of the act are to be forfeited to the state, subject to the act's seizure and forfeiture provisions. The bill would add that weapons possessed contrary to the act would be subject to the safety inspection provisions of the act.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.